THE FINANCIAL SERVICES COMMISSION OF ONTARIO

PENSION BULLETIN

SEPTEMBER 2005 – VOLUME 14, ISSUE 3

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Ontario

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GENERAL ANNOUNCEMENTS

BOB CHRISTIE CEO AND SUPERINTENDENT OF FINANCIAL SERVICES

On September 6, 2005, Bob Christie assumed his duties as CEO and Superintendent of Financial Services for the Financial Services Commission of Ontario (FSCO).

Mr. Christie is well-acquainted with FSCO and its role as pension regulator through his work with the Ontario Ministry of Finance, where he served as Deputy Minister from 2000 to 2004.

From 1999 to 2000, Mr. Christie was Deputy Minister of Training, Colleges and Universities and he has served in the Ministry of Intergovernmental Affairs as the Assistant Deputy Minister, Federal-Provincial Relations and as Assistant Deputy Minister, Policy Coordination in Cabinet Office.

Mr. Christie joined the Ontario Public Service in 1975 with the Ministry of Treasury and Economics. Over the years, he worked in a variety of capacities throughout the Ministry.

Mr. Christie has a PhD in economics from Queen's University.

COURT/PROSECUTION MATTERS

Court Matters

The information set out below is current to December 12, 2005.

I. Plumbers Local 463 Pension Plan

The Board of Trustees of the Plumbers Local 463 Pension Plan has filed an application for judicial review in respect of an order issued by the Superintendent on October 6, 2005, requiring the trustees to pay the cost of an examination order of the Plan by the Superintendent from the pension fund of the Plan. The application was withdrawn on October 17, 2005.

II. Kerry (Canada) Inc.

The FST conducted a hearing that arose from a Notice of Proposal in which the Superintendent proposed to order Kerry (Canada) Inc. to reimburse certain expenses paid from the pension fund and to amend its Pension Plan so that only expenses for the exclusive benefit of the members could be paid from the fund.

The FST released its decision on March 4, 2004. The FST held that certain expenses were to be reimbursed to the fund, while certain other expenses did not have to be reimbursed as they were incurred for the exclusive benefit of the members. The FST also held that there was no jurisdiction under the *Pension Benefits Act*, R.S.O. 1990, c. P.8 (PBA) for the Superintendent to order a plan amended.

A group of former members comprising the DCA Employees Pension Committee for the Pension Plan for the Employees of Kerry (Canada) Inc. has appealed the FST's decision to the Divisional Court.

In a separate decision on the refusal issue, the panel held that contribution holidays were permitted and authorized by the trust, and that there were no grounds for a partial windup or for an order compelling the Superintendent to monitor the plan. The panel held that the conversion breached the trust insofar as the revised plan text allowed surplus from the defined benefit portion of the plan to be used to fund liabilities for the defined contribution portion, as this diverted funds to the insurance contract with Standard Life. The panel directed the employer to either amend the plan text or transfer the defined contribution funds to the trustee; if this is not done within 90 days, the Superintendent is to refuse registration of the revised plan text.

Finally, the panel issued a separate decision concerning the members' committee's request that the legal costs incurred by the committee be paid out of the fund for the Plan. The majority of the panel determined that the FST did not have the jurisdiction to make such an order and also rejected the committee's request that costs be awarded against the employer.

In a separate Notice of Appeal, the members' committee has also appealed the panel's decision on the refusal and costs issues to the Divisional Court.

The appeal on the expenses issue was heard by the Divisional Court on March 31, 2005 and April 1, 2005. The appeal on the refusal and costs issues was heard on April 18 and 19, 2005. The panel reserved its decision on both appeals.

III. Participating Co-Operatives of Ontario Trustee Pension Plan

The Board of Trustees of the Participating Co-Operatives of Ontario Trusteed Pension Plan filed an application before the Divisional Court under Rule 14 of the *Rules of Civil Procedure*, the *Pension Benefits Act* and the *Trustees Act* for the appointment of replacement trustees or an administrator and a declaration discharging the current Trustees. The application was initially scheduled to be heard on February 3, 2005 but was rescheduled to February 8, 2005 at which time the hearing was adjourned pending a settlement conference.

IV. Vivendi Universal Inc.

Vivendi Universal Inc. has filed an application with the Ontario Superior Court of Justice for a declaration that the Quebec *Supplementary Pension Plans Act* does not compel Vivendi to transfer surplus on behalf of Quebec members on an asset transfer to Diageo Canada Inc. The application also asks for a declaration that the *PBA* applies to the transfer.

The Regie des Rentes du Quebec brought a motion to have Vivendi's application dismissed on jurisdictional grounds. The motion was heard by the Ontario Superior Court on March 2, 2005. The court reserved its decision. On April 5, 2005, the Court released its decision, dismissing the motion without prejudice to the Regie to raise the issue of mootness on the main application. On May 10, 2005, the Regie's appeal of this decision was heard and dismissed.

The application was heard on the merits on October 27 and 28, 2005. The court reserved its decision.

V. Bourdon v. Stelco

The Supreme Court of Canada heard this appeal on June 10, 2005. The Superintendent obtained intervener status. The issues were whether the Quebec courts had jurisdiction to hear the matter when the Superintendent had already approved the partial wind up report, and whether members in Quebec were entitled to grow-in benefits under the *PBA* by virtue of the pension plan providing that the *PBA* applies to any wind up of the plan. The Supreme Court dismissed the appeal on June 10 and indicated that reasons would be released in due course.

The reasons were released on November 10, 2005. The court held that the Superintendent's approval of the partial wind up report was final, and therefore the matter was *res judicata*. There were also no discretionary reasons to decline to apply the doctrine of issue estoppel, as the members had not attempted to challenge the Superintendent's approval in Ontario. Finally, the court held that Ontario was the proper forum for this dispute. The Court therefore, did not rule on the grow-in issue.

PROSECUTION MATTERS

I. Global Crossing Conferencing - Canada Ltd.

The corporation was charged, as the administrator of the Employee Retirement Plan for Global Crossing Conferencing - Canada Ltd., with failing to file Pension Plan Financial Statements for the fiscal years ending 2001, 2002 and 2003, failing to file the Annual Information Return for the fiscal years ending 2001, 2002 and 2003 and failing to pay the filing fees for the Annual Information Return for the fiscal years ending 1995, 2001, 2002 and 2003. The first appearance was on February 9, 2005. On June 15, 2005, the corporation pleaded guilty to three counts of failing to file Annual Information Returns and three counts of failing to file financial statements. A total fine of $30,000 exclusive of Victim Fine Surcharge was levied in respect of all counts.

II. AON Consulting Inc. and J. Melvin Norton

Charges were laid on April 11, 2005 for failing to comply with accepted actuarial practice and failing to comply with section 22 of the PBA. The charges relate to the preparation and filing of two actuarial reports for the Slater Stainless Corp. CAW and USWA pension plans. The charges are currently being pre-tried and a trial date will be set soon. The first appearance was on May 18, 2005. A pre-trial conference was initially convened on June 23, 2005 and continued on August 22, 2005 and September 26, 2005. The pre-trial conference resumption and next appearance are scheduled for November 7, 2005. Trial dates have been set for May 12 and June 23, 2006.

SUPERINTENDENT OF FINANCIAL SERVICES

Administrator Appointments – Section 71 of the *Pension Benefits Act*

1. Mercer Human Resource Consulting as the Administrator of the Pension Plan for Employees of Regal Greetings & Gifts Corporation, effective immediately.
   DATED at Toronto, Ontario, this 20th day of October, 2005.

2. London Life Insurance Company as the Administrator of the Pension Plan for Employees of Tandem Fabrics Inc., effective immediately.
   DATED at Toronto, Ontario, this 7th day of October, 2005.

3. PricewaterhouseCoopers Inc. as the Administrator of the Pension Plan for Salaried Employees of 0521728 Ontario Ltd., effective immediately.
   DATED at Toronto, Ontario, this 28th day of September, 2005.

4. Standard Life as the Administrator of the Pension Plan for Employees of Hastings Inc., effective immediately.
   DATED at Toronto, Ontario, this 3rd day of August, 2005.

5. BMG North America Limited as the Administrator of the Retirement Income Plan for Non-Union Employees of Cowan Wright Beauchamp, effective immediately.
   DATED at Toronto, Ontario, this 28th day of July, 2005.

6. Cowan Wright Beauchamp as the Administrator of the Pension Plan for Employees of Olympia Business Machines Canada Ltd., effective immediately.
   DATED at Toronto, Ontario, this 28th day of July, 2005.

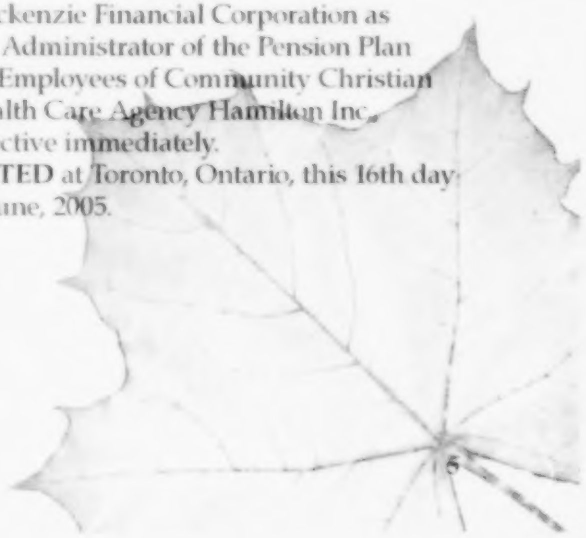
7. The Standard Life as the Administrator of the Pension Plan for Employees of Daniel E. Oakes & Associates Ltd., effective immediately.
   DATED at Toronto, Ontario, this 6th day of July, 2005.

8. Great West London Life as the Administrator of the Pension Plan for Employees of A. Van Egmond Construction Ltd., effective immediately.
   DATED at Toronto, Ontario, this 6th day of July, 2005.

9. Morneau Sobeco as the Administrator of the Pension Plan for Hourly Employees of Decor Products International, a Division of Kleco Corporation, effective immediately.
   DATED at Toronto, Ontario, this 30th day of June, 2005.

10. Great West London Life as the Administrator of the Pension Plan for Salaried Employees of Decor Products International, a Division of Kleco Corporation, effective immediately.
    DATED at Toronto, Ontario, this 27th day of June, 2005.

11. Mackenzie Financial Corporation as the Administrator of the Pension Plan for Employees of Community Christian Health Care Agency Hamilton Inc., effective immediately.
    DATED at Toronto, Ontario, this 16th day of June, 2005.



12. Great West Life Assurance Company as the Administrator of the Pension Plan for Employees of The Royal Connaught, a Division of Joymarmon Properties Inc., effective immediately.
    DATED at Toronto, Ontario, this 10th day of June, 2005.

13. Manulife Financial as the Administrator of the Pension Plan for Employees of Central Chrysler (1981) Ltd., effective immediately.
    DATED at Toronto, Ontario, this 24th day of May, 2005.

14. Great West Life Assurance Company as the Administrator of the Pension Plan for Employees of International Controls Ltd., effective immediately.
    DATED at Toronto, Ontario, this 17th day of May, 2005.

15. Manulife Financial as the Administrator of the Pension Plan for Employees of Collins Commercial Photocopy Ltd., effective immediately.
    DATED at Toronto, Ontario, this 9th day of May, 2005.

16. Desjardins Financial Security Life Assurance Company as the Administrator of the Pension Plan for Employees of Toronto Victoria Financial Group Inc., effective immediately.
    DATED at Toronto, Ontario, this 9th day of May, 2005.

17. Thompson Actuarial as the Administrator of the Pension Plan for Employees of Stearns Canada, a division of The Stearns Technical Textiles Company, effective immediately.
    DATED at Toronto, Ontario, this 6th day of May, 2005.

18. PricewaterhouseCoopers Inc. as the Administrator of the Pension Plan for designated Employees of Ivaco Inc., effective immediately.
    DATED at Toronto, Ontario, this 3rd day of May, 2005.

19. PricewaterhouseCoopers Inc. as the Administrator of the Pension Plan for Salaried Employees of Ivaco Inc., effective immediately.
    DATED at Toronto, Ontario, this 3rd day of May, 2005.

20. London Life Insurance Company as the Administrator of the Pension Plan for Employees of Premium Pork Canada Inc., effective immediately.
    DATED at Toronto, Ontario, this 23rd day of March, 2005.

21. Manulife Financial as the Administrator of the Pension Plan for Employees of Baker, Gurney & McLaren Press Ltd., effective immediately.
    DATED at Toronto, Ontario, this 23rd day of March, 2005.

Notices of Proposal to Make an Order

IN THE MATTER OF the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the "Act");

AND IN THE MATTER OF a Proposal by the Superintendent of Financial Services to make an Order under subsection 78(1) of the Act consenting to a payment out of the Pension Plan for the **Employees of Compo Machinery Corporation of Canada Limited and Affiliated Companies, Registration No. 0574814;**

TO: **Compo Shoe Machinery Corporation of Canada Ltd.**
3 Prospect Street
Morristown, NJ 07960 USA

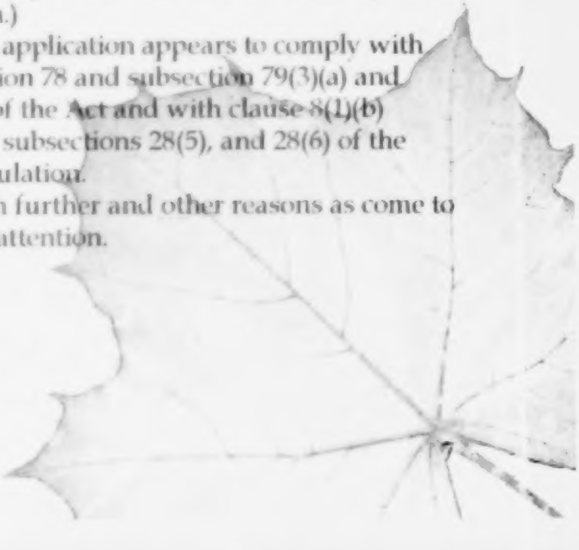
Attention: Mr. Richard A. Varney
President and Secretary - Treasurer
Applicant and Employer

NOTICE OF PROPOSAL

I PROPOSE TO MAKE AN ORDER under s. 78(1) of the Act, consenting to the payment, out of the Pension Plan for the Employees of Compo Machinery Corporation of Canada Limited and Affiliated Companies, Registration No.0574814 (the Plan), to **Compo Shoe Machinery Corporation of Canada Ltd.** in the amount of $392,200 as at March 31, 2002, adjusted to the date of payment for investment earnings, expenses, and a payment of $19,432 to the former members.

I PROPOSE TO MAKE THIS ORDER FOR THE FOLLOWING REASONS:

1. Compo Shoe Machinery Corporation of Canada Ltd. is the employer as defined in the Plan (the Employer)
2. The Plan was wound up, effective March 31, 2002
3. As at March 31, 2002 the surplus in the Plan was estimated at $392,200
4. The Plan provides for payment of surplus to the Employer on the wind up of the Plan
5. The application discloses that by written agreement made by the Employer, and 100% of the former members, the surplus in the Plan at the date of payment, after deduction of wind up expenses is to be distributed: $19,432 to the former members (as defined in the Surplus Distribution Agreement) and the remainder to the Employer.
6. The Employer has applied, pursuant to section 78 of the Act, and clause 8(1)(b) of the Regulation, for consent of the Superintendent of Financial Services to the payment of the surplus in the Plan (after adding investment earnings and deducting the payment to former members and expenses related to the wind up of the Plan.)
7. The application appears to comply with section 78 and subsection 79(3)(a) and (b) of the Act and with clause 8(1)(b) and subsections 28(5), and 28(6) of the Regulation.
8. Such further and other reasons as come to my attention.



YOU ARE ENTITLED TO A HEARING by the Financial Services Tribunal (the Tribunal) pursuant to subsection 89(6) of the Act if, within thirty (30) days after this Notice of Proposal is served[1] on you, you deliver to the Tribunal a written notice that you require a hearing.

Your written notice requiring a hearing must be delivered to:

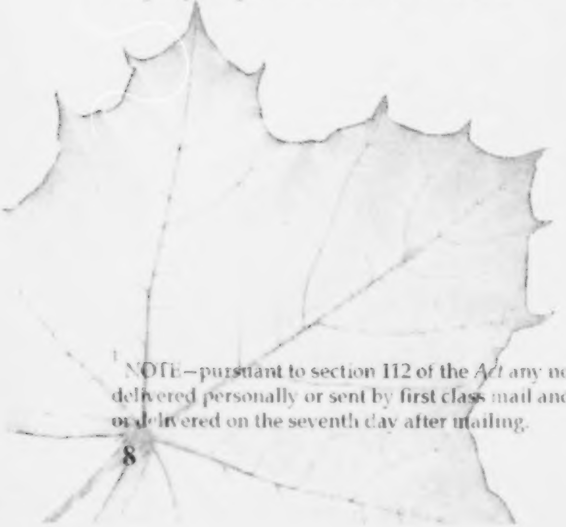
Financial Services Tribunal
5160 Yonge St., 14th Floor
North York, ON M2N 6L9

Attention: The Registrar

IF YOU DO NOT DELIVER TO THE TRIBUNAL, WITHIN THIRTY (30) DAYS FROM THE DATE THIS NOTICE OF PROPOSAL IS SERVED ON YOU, A WRITTEN NOTICE THAT YOU REQUIRE A HEARING, I MAY MAKE THE ORDER PROPOSED HEREIN.

DATED at Toronto, Ontario, this 10th day of March, 2005.

K. David Gordon
Deputy Superintendent, Pensions



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[1] NOTE – pursuant to section 112 of the *Act* any notice, order or other document is sufficiently given, served, or delivered if delivered personally or sent by first class mail and any document sent by first class mail shall be deemed to be given, served, or delivered on the seventh day after mailing.

IN THE MATTER OF the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the "Act");

AND IN THE MATTER OF a Proposal of the Superintendent of Financial Services to make an Order under section 69 of the Act, respecting the **Retirement Plan for Salaried Employees of National Refractories & Minerals Inc., Registration Number 0931964 (the "Pension Plan");**

TO: **Cowan Wright Beauchamp Limited**
100 Regina Street S., Suite 270
Box 96
Waterloo ON N2J 3Z6

Attention: Donna Wolfe
Senior Actuarial Technician
Administrator of the Pension Plan

AND TO: **National Refractories & Minerals Inc.**
c/o Development Specialists, Inc.
333 Grand Ave., Suite 2100
Los Angeles, CA 90071-1524

Attention: Bradley Sharp
Court Appointed Responsible Individual
Employer

AND TO: **Schwartz Levitsky Feldman Inc.**
1167 Caledonia Road
Toronto, ON M6A 2X1

Attention: James Graham
Interim Receiver for National Refractories & Minerals Inc.

NOTICE OF PROPOSAL TO MAKE AN ORDER

I PROPOSE TO MAKE AN ORDER that the **Pension Plan** be wound up in full effective December 20, 2002.

I propose to make this order pursuant to subsection 69(1) of the Act.

I PROPOSE TO MAKE THIS ORDER FOR THE FOLLOWING REASONS:

1. there was a cessation or suspension of employer contributions to the pension fund;
2. a significant number of members of the pension plan ceased to be employed by the employer as a result of the discontinuance of all or part of the business of the employer or as a result of the reorganization of the business of the employer;
3. all or a significant portion of the business carried on by the employer at a specific location was discontinued;
4. such further reasons as may come to my attention.

YOU ARE ENTITLED TO A HEARING by the Financial Services Tribunal (the "Tribunal") pursuant to section 89(6) of the Act, if, within thirty (30) days after the Notice of Proposal is served on you, you deliver to the Tribunal a written notice that you require a hearing[1]. **ANY NOTICE REQUIRING A HEARING** shall be delivered to:

Financial Services Tribunal
5160 Yonge Street, 14th Floor
Toronto, ON M2N 6L9

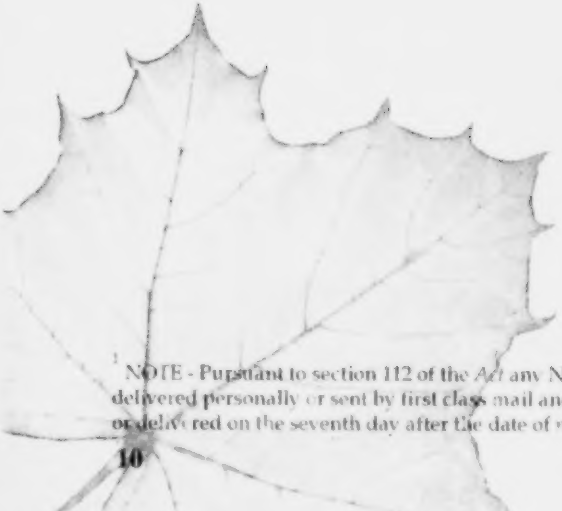
Attention: The Registrar

FOR FURTHER INFORMATION, contact the Registrar of the Tribunal by phone at 416-226-7752, toll free at 1-800-668-0128, ext. 7752, or by fax at 416-226-7750.

IF YOU DO NOT DELIVER TO THE TRIBUNAL, WITHIN THIRTY (30) DAYS FROM THE DATE OF THIS NOTICE OF PROPOSAL IS SERVED ON YOU, A WRITTEN NOTICE THAT YOU REQUIRE A HEARING, I MAY MAKE THE ORDER PROPOSED HEREIN.

DATED at Toronto, Ontario, this 11th day of March, 2005.

K. David Gordon
Deputy Superintendent, Pensions



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IN THE MATTER of the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the "Act");

AND IN THE MATTER of a Proposal of the Superintendent of Financial Services to make an Order under section 69 of the Act, respecting the **Proboard Limited Employees' Pension Plan Registration Number 593814 (the "Plan");**

TO:
David R. Kearney
Principal
Morneau Sobeco
895 Don Mills Road, Suite 700
Toronto, ON M3C 1W3
Administrator

AND TO:
Steve Geddes
Director of Finance
Proboard Limited
P.O. Box 1600
Atitokan, ON P0T 1C0
Employer

AND TO:
Brian Deazeley CA, CIRP
ISCA Financial Services
2172 Dunvegan Avenue
Oakville, ON L6J 6P1
Trustee in Bankruptcy

AND TO:
Rene Lindquist
National Representative
Communications, Energy and Paperworkers of Canada (Local 49-0)
516 South High Street
Thunder Bay, ON P7B 3M3
Union representative for the members of the Plan

NOTICE OF PROPOSAL TO MAKE AN ORDER

I PROPOSE TO MAKE AN ORDER under section 69 of the Act that the Plan be wound up effective **May 30, 2003 through October 6, 2003 FOR THE FOLLOWING REASONS AND SUCH FURTHER REASONS THAT MAY COME TO MY ATTENTION:**

1. There is a cessation or suspension of employer contributions to the pension fund.
2. Failure of the employer to make contributions to the pension fund as required by the *Act* or the regulations.
3. The employer is bankrupt within the meaning of the *Bankruptcy and Insolvency Act*.
4. A significant number of members of the pension plan ceased to be employed by the employer as a result of the discontinuance of all or part of the business of the employer or as a result of the reorganization of the business of the employer.
5. All or a significant portion of the business carried on by the employer at a specific location was discontinued.

YOU ARE ENTITLED TO A HEARING by the Financial Services Tribunal (the "Tribunal") pursuant to section 89(6) of the Act, if, within thirty (30) days after the Notice of Proposal is served on you, you deliver to the Tribunal a written notice that you require a hearing[1]. **ANY NOTICE REQUIRING A HEARING SHALL BE DELIVERED TO:**

Financial Services Tribunal
5160 Yonge Street, 14th Floor
Toronto, ON M2N 6L9

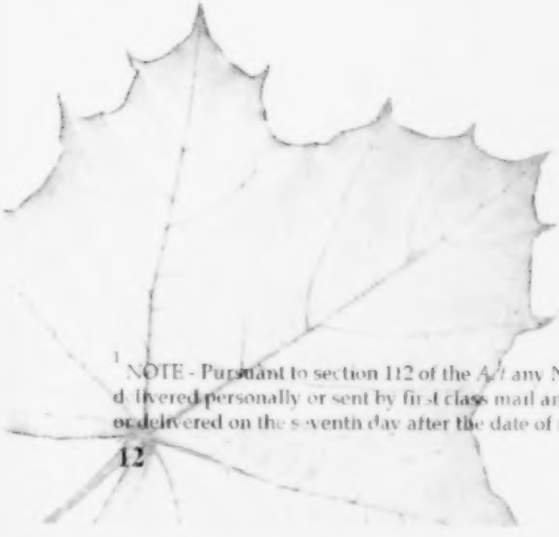
Attention: The Registrar

FOR FURTHER INFORMATION, contact the Registrar of the Tribunal by phone at 416-226-7752, toll free at 1-800-668-0128, ext. 7752, or by fax at 416-226-7750.

IF YOU DO NOT DELIVER TO THE TRIBUNAL, WITHIN THIRTY (30) DAYS FROM THE DATE THIS NOTICE OF PROPOSAL IS SERVED ON YOU, A WRITTEN NOTICE THAT YOU REQUIRE A HEARING, I MAY MAKE THE ORDER PROPOSED HEREIN.

DATED at Toronto, Ontario, this 10th day of May 2005.

K. David Gordon
Deputy Superintendent, Pensions



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IN THE MATTER of the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the "Act");

AND IN THE MATTER of a Proposal of the Superintendent of Financial Services to make an Order under section 69 of the Act, respecting the **Oxford Automotive Canada Ltd. Pension Plan for Union Employees Located at the Cambridge Plant, Registration Number 996926;**

TO: Tony Karkheck
Senior Vice-president
PricewaterhouseCoopers Inc.
1 Robert Speck Parkway,
Suite 1100
Mississauga, ON L4Z 3M3
Administrator

AND TO: Shelley McIntyre
Manager, Compensation & Benefits (Canada)
Oxford Automotive Canada Ltd.
100 Mason Street
Wallaceburg, ON N8A 2L3
Employer

AND TO: Rachel Pollock
Manager
Ernst & Young Inc.
222 Bay Street, PO Box 251
Toronto ON M5K 1J7
Trustee in Bankruptcy

AND TO: Sym Gill
National Director of Pensions
Canadian Auto Workers Union, Local 1986
205 Placer Court
Toronto, ON M2H 3H9
Union representative

NOTICE OF PROPOSAL TO MAKE AN ORDER

I PROPOSE TO MAKE AN ORDER under section 69 of the Act that the Plan be wound up in full effective October 11, 2000 through September 30, 2002 for the following reasons and such further reasons that may come to my attention:

1. The employer is bankrupt within the meaning of the *Bankruptcy and Insolvency Act*.
2. All or a significant portion of the business carried on by the employer at a specific location was discontinued.

YOU ARE ENTITLED TO A HEARING by the Financial Services Tribunal (the "Tribunal") pursuant to section 89(6) of the Act, if, within thirty (30) days after the Notice of Proposal is served on you, you deliver to the Tribunal a written notice that you require a hearing[1]. **Any notice requiring a hearing shall be delivered to the:**

Financial Services Tribunal
5160 Yonge Street, 14th Floor
Toronto, ON M2N 6L9

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DATED at Toronto, Ontario, this 11th day of May, 2005.

K. David Gordon
Deputy Superintendent, Pensions.

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IN THE MATTER of the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the "Act");

AND IN THE MATTER of a Proposal of the Superintendent of Financial Services to make an Order under section 69 of the Act, respecting the **Oxford Automotive Canada Ltd. Pension Plan for Salaried Employees Located in Chatham and Wallaceburg, Ontario, Registration Number 1063023;**

TO:
Tony Karkheck
Senior Vice-president
PricewaterhouseCoopers Inc.
1 Robert Speck Parkway,
Suite 1100
Mississauga, ON L4Z 3M3
Administrator

AND TO:
Shelley McIntyre
Manager, Compensation
& Benefits (Canada)
Oxford Automotive Canada Ltd.
100 Mason Street
Wallaceburg, ON N8A 2L3
Employer

AND TO:
Rachel Pollock
Manager
Ernst & Young Inc.
222 Bay Street, PO Box 251
Toronto, ON M5K 1J7
Trustee in Bankruptcy

NOTICE OF PROPOSAL TO MAKE AN ORDER

I PROPOSE TO MAKE AN ORDER under section 69 of the Act that the Plan be wound up effective February 28, 2003 through March 1, 2004 for the following reasons and such further reasons that may come to my attention:

1. The employer is bankrupt within the meaning of the *Bankruptcy and Insolvency Act*.
2. A significant number of members have ceased to be employed by the employer as a result of the discontinuance or reorganization of all or part of the business of the employer.

YOU ARE ENTITLED TO A HEARING by the Financial Services Tribunal (the "Tribunal") pursuant to section 89(6) of the Act, if, within thirty (30) days after the Notice of Proposal is served on you, you deliver to the Tribunal a written notice that you require a hearing[1]. Any notice requiring a hearing shall be delivered to the:

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5160 Yonge Street, 14th Floor
Toronto, ON M2N 6L9

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DATED at Toronto, Ontario, this 11th day of May, 2005.

K. David Gordon
Deputy Superintendent, Pensions

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IN THE MATTER of the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the "Act");

AND IN THE MATTER of a Proposal of the Superintendent of Financial Services to make an Order under section 69 of the Act, respecting the **Oxford Automotive Canada Ltd. Pension Plan for Hourly Employees Located at the Wallaceburg Plant, Registration Number 364356;**

TO:
Tony Karkheck
Senior Vice-president
PricewaterhouseCoopers Inc.
1 Robert Speck Parkway,
Suite 1100
Mississauga, ON L4Z 3M3
Administrator

AND TO:
Shelley McIntyre
Manager, Compensation & Benefits (Canada)
Oxford Automotive Canada Ltd.
100 Mason Street
Wallaceburg, ON N8A 2L3
Employer

AND TO:
Rachel Pollock
Manager
Ernst & Young Inc.
222 Bay Street, PO Box 251
Toronto, ON M5K 1J7
Trustee in Bankruptcy

AND TO:
Bill Pollock
President
United Auto Workers Union, Local 251
88 Elm Drive South
Wallaceburg, ON N8A 5E7
Union representative for the members of the Plan

NOTICE OF PROPOSAL TO MAKE AN ORDER

I PROPOSE TO MAKE AN ORDER under section 69 of the Act that the Plan be wound up effective December 5, 2003 through March 1, 2004 for the following reasons and such further reasons that may come to my attention:

1. The employer is bankrupt within the meaning of the *Bankruptcy and Insolvency Act*.
2. All or a significant portion of the business carried on by the employer at a specific location was discontinued.

YOU ARE ENTITLED TO A HEARING by the Financial Services Tribunal (the "Tribunal") pursuant to section 89(6) of the Act, if, within thirty (30) days after the Notice of Proposal is served on you, you deliver to the Tribunal a written notice that you require a hearing[1]. Any notice requiring a hearing shall be delivered to the:

Financial Services Tribunal
5160 Yonge Street, 14th Floor
Toronto, ON M2N 6L9

Attention: The Registrar

FOR FURTHER INFORMATION, contact the Registrar of the Tribunal by phone at 416-226-7752, toll free at 1-800-668-0128, ext. 7752, or by fax at 416-226-7750.

IF YOU DO NOT DELIVER TO THE TRIBUNAL, WITHIN THIRTY (30) DAYS FROM THE DATE THIS NOTICE OF PROPOSAL IS SERVED ON YOU, A WRITTEN NOTICE THAT YOU REQUIRE A HEARING, I MAY MAKE THE ORDER PROPOSED HEREIN.

DATED at Toronto, Ontario, this 11th day of May, 2005.

K. David Gordon
Deputy Superintendent, Pensions

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[1] NOTE - Pursuant to section 112 of the *Act* any Notice, Order or other document is sufficiently given, served or delivered if delivered personally or sent by first class mail and any document sent by first class mail shall be deemed to be given, served or delivered on the seventh day after the date of mailing.

IN THE MATTER OF the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the "Act");

AND IN THE MATTER OF a Proposal of the Superintendent of Financial Services to Make an Order under section 69 of the *Act* relating to the Pension Plan for **Executives of Shoppers Drug Mart Inc. Registration # 1066083 (the "Plan");**

TO: John Caplice
SVP Treasurer and Investor Relations
Shoppers Drug Mart Inc.
243 Consumers Road
North York, ON M2J 4W8
Employer and Administrator of Plan

NOTICE OF PROPOSAL

I PROPOSE TO MAKE AN ORDER under section 69 of the *Act* that the Plan be wound up in part in relation to those members of the Plan who ceased to be members of the plan as a result of a cessation of employment with Shoppers Drug Market Inc. (the "employer") on or before January 15, 2003.

REASONS FOR THE ORDER:

1. The Plan was established effective February 4, 2000, and is a successor pension plan to the Imperial Tobacco Corporate Pension Plan, registered in Québec with the Régie des Rentes du Québec under Registration No.27280.
2. When the Plan was established on February 4, 2000 there were 81 members in the Plan. On or before January 15, 2003, the employment of 53 of these members was terminated otherwise than by retirement. These terminations took place as a result of the reorganization of the business of employer which included the restructuring of regional operations of the employer as self-contained business units and accountability for all non-store related activities was removed from the regions and placed with the corporate group. The number of members whose employment ceased represents a significant number of members of the plan ceasing to be employed as a result of that reorganization. As a result there are grounds under section 69(1)(d) of the *Act* to order a partial wind up of the plan.
3. The employer has not offered pension benefits to the members whose employment has been terminated that would be available under the *Act* in the event of a partial wind up of the Plan. The employer has indicated that there is a unregistered supplementary pension plan which also provides pension benefits to members who have been terminated. However, the employer has not established that all of the members who have been terminated will obtain the same level of benefits from the unregistered plan as they would be entitled to under the *Act* if the Plan is partially wound up. Therefore, there are no discretionary reasons for the Superintendent to refuse to order a partial wind up under section 69 of the *Act*.
4. Such further and other reasons that may come to my attention.

YOU ARE ENTITLED TO A HEARING by the Financial Services Tribunal (the "Tribunal") pursuant to s. 89(6) of the *Act*. To request a hearing, you must deliver to the Tribunal a written notice that you require a hearing, within thirty (30) days after this Notice of Proposal is served on you.[1]

YOUR WRITTEN NOTICE must be delivered to:

Financial Services Tribunal
5160 Yonge Street, 14th Floor
Toronto, ON M2N 6L9

Attention: The Registrar

FOR FURTHER INFORMATION, contact the Registrar of the Tribunal by phone at 416-226-7752, toll free at 1-800-668-0128, ext. 7752, or by fax at 416-226-7750.

IF YOU FAIL TO REQUEST A HEARING WITHIN THIRTY (30) DAYS, I MAY REFUSE TO MAKE THE ORDER PROPOSED IN THIS NOTICE. THE ADMINISTRATOR IS REQUIRED pursuant to subsection 89(5) of the *Act*, to transmit a copy of this Notice of Proposal to members of the Plan whose employment was terminated with the employer on or before January 15, 2003.

DATED at Toronto, Ontario, this 18th day of May 2005.

K. David Gordon
Deputy Superintendent, Pensions

c.c.
J. David Vincent, Torys LPP
John Morin, Fasken Martineau

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IN THE MATTER of the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the "Act");

AND IN THE MATTER of a Proposal of the Superintendent of Financial Services to make an Order under section 69 of the Act, respecting the **Pension Plan for Hourly-Rated Employees of Dunlop (Canada) Inc. who are Members of Local 974 (USWA) (the Plan) Registration Number 0375048;**

TO:

Sharon Carew
Director
PricewaterhouseCoopers Inc.
Mississauga Executive Centre
One Robert Speck Parkway,
Suite 1100
Mississauga, ON L4Z 3M3
Administrator

AND TO:

Dunlop (Canada) Inc.
330 Byron Street South
Whitby, ON L1N 4P8
Employer

AND TO:

Jake Weibe
Grant Thornton Limited
P.O. Box 55, Royal Bank Plaza
19th Floor, South Tower
Toronto, ON M5J 2P9
Receiver and Trustee in Bankruptcy

AND TO:

John O'Connor
United Steelworkers of America Local 974
115 Albert Street, P.O. Box 946
Oshawa, ON L1H 7N1
Union Representative

NOTICE OF PROPOSAL TO MAKE AN ORDER

I PROPOSE TO MAKE AN ORDER under section 69 of the Act that the Plan be wound up effective **between October 22, 2004 and October 29, 2004 for the following reason and such further reasons that may come to my attention:**

1. The employer is bankrupt within the meaning of the *Bankruptcy and Insolvency Act*.

YOU ARE ENTITLED TO A HEARING by the Financial Services Tribunal (the Tribunal) pursuant to section 89(6) of the Act, if, within thirty (30) days after the Notice of Proposal is served on you, you deliver to the Tribunal a written notice that you require a hearing[1]. **Any notice requiring a hearing shall be delivered to the:**

Financial Services Tribunal
5160 Yonge Street, 14th Floor
Toronto, ON M2N 6L9

Attention: The Registrar

FOR FURTHER INFORMATION, contact the Registrar of the Tribunal by phone at 416-226-7752, toll free at 1-800-668-0128, ext. 7752, or by fax at 416-226-7750.

IF YOU DO NOT DELIVER TO THE TRIBUNAL, WITHIN THIRTY (30) DAYS FROM THE DATE THIS NOTICE OF PROPOSAL IS SERVED ON YOU, A WRITTEN NOTICE THAT YOU REQUIRE A HEARING, I MAY MAKE THE ORDER PROPOSED HEREIN.

DATED at Toronto, Ontario, this 21st day of June, 2005.

K. David Gordon
Deputy Superintendent, Pensions

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[1] NOTE - Pursuant to section 112 of the Act any Notice, Order or other document is sufficiently given, served or delivered if delivered personally or sent by first class mail and any document sent by first class mail shall be deemed to be given, served or delivered on the seventh day after the date of mailing.

IN THE MATTER OF the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the "Act");

AND IN THE MATTER OF a Proposal by the Superintendent of Financial Services to make an Order under subsection 78(1) of the Act consenting to a payment out of the **Pension Plan for Employees of Dyment Limited, Registration No. 0242735;**

TO: **Dyment Limited**
1235 Bay Street, Suite 400
Toronto, ON M5R 3K4

Attention: Mr. E. A. Campbell
Controller
Applicant and Employer

NOTICE OF PROPOSAL

I PROPOSE TO MAKE AN ORDER under s. 78(1) of the Act, consenting to the payment, out of the Pension Plan for Employees of Dyment Limited, Registration No.0242735 (the Plan), to **Dyment Limited** in the amount of 50% of the wind up surplus of $1,660,847 as at December 31, 2002 plus 50% of investment earnings thereon to the date of payment, less 50% of expenses relating to the wind up of the Plan.

I PROPOSE TO MAKE THE ORDER effective only after the Applicant satisfies me that all benefits and benefit enhancements pursuant to the Surplus Distribution Agreement set out in paragraph 5 below and any other payments to which the members, former members, and any other persons entitled to such payments have been paid, purchased, or otherwise provided for.

I PROPOSE TO MAKE THIS ORDER FOR THE FOLLOWING REASONS :

1. Dyment Limited is the employer as defined in the Plan (the Employer)
2. The Plan was wound up, effective December 31, 2002
3. As at December 31, 2002 the surplus in the Plan related to the wind up was estimated at $1,660,847
4. The Plan provides for payment of surplus to the Employer on the wind up of the Plan
5. The application discloses that by written agreement made by the Employer, and 80.3% of former members and other persons entitled to payments, the surplus in the Plan at the date of payment, after deduction of wind up expenses is to be distributed:
   a) 50% to the Employer; and
   b) 50% to the beneficiaries of the Plan as defined in the Surplus Distribution Agreement.
6. The Employer has applied, pursuant to section 78 of the Act, and clause 8(1)(b) of the Regulation, for consent of the Superintendent of Financial Services to the payment of 50% of the surplus in the Plan (after adding 50% of investment earnings and deducting 50% of the expenses related to the wind up of the Plan.)
7. The application appears to comply with section 78 and subsections 79(3)(a) and (b) of the Act and with clause 8(1)(b) and subsections 28(5) and 28(6) of the Regulation.
8. Such further and other reasons as come to my attention.

YOU ARE ENTITLED TO A HEARING by the Financial Services Tribunal (the Tribunal) pursuant to subsection 89(6) of the Act if, within thirty (30) days after this Notice of Proposal is served[1] on you, you deliver to the Tribunal a written notice that you require a hearing.

YOUR WRITTEN NOTICE requiring a hearing must be delivered to:

Financial Services Tribunal
5160 Yonge Street, 16th Floor
North York, ON M2N 6L9

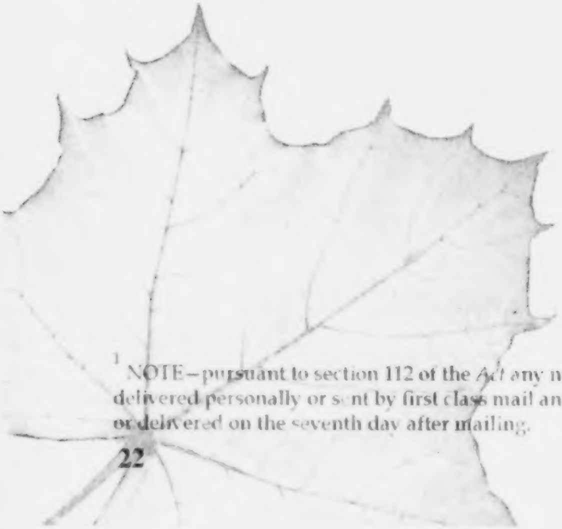
Attention: The Registrar

IF YOU DO NOT DELIVER TO THE TRIBUNAL, WITHIN THIRTY (30) DAYS FROM THE DATE THIS NOTICE OF PROPOSAL IS SERVED ON YOU, A WRITTEN NOTICE THAT YOU REQUIRE A HEARING, I MAY MAKE THE ORDER PROPOSED HEREIN.

DATED at Toronto, Ontario, this 21st day of June, 2005

K. David Gordon
Deputy Superintendent, Pensions

c.c. Kerry Worgan, Mercer Human Resource Consulting



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[1] NOTE—pursuant to section 112 of the *Act* any notice, order or other document is sufficiently given, served, or delivered if delivered personally or sent by first class mail and any document sent by first class mail shall be deemed to be given, served, or delivered on the seventh day after mailing.

IN THE MATTER OF the *Pension Benefits Act* R.S.O. 1990, c. P.8, as amended (the *"PBA"*);

AND IN THE MATTER OF an actuarial valuation report as at December 31, 2003 revised February 2005 submitted by the Board of Trustees of the **Labourers' Pension Fund of Central and Eastern Canada, Registration Number 0573188;**

AND IN THE MATTER OF a proposal to issue an Order under section 88 of the *PBA*.

TO: **Board of Trustees of the**
Labourers' Pension Fund of
Central and Eastern Canada
1835 Yonge Street, Suite 700
Toronto, ON M4S 1X8

Attention: Joseph Mancinelli
Chairman, Board of Trustees
Administrator of the Plan

AND TO: **Koskie Minsky LLP**
Barristers & Solicitors
20 Queen Street West
Suite 900, Box 52
Toronto, ON M5H 3R3

Attention: Michael Mazzuca
Legal Counsel for Administrator

NOTICE OF PROPOSAL

I PROPOSE TO ORDER the Administrator of the plan to prepare and file a new actuarial valuation report as at December 31, 2003 in respect of the Labourers' Pension Fund of Central and Eastern Canada, Registration Number 0573188 (the "Plan") that complies with sections 6, 14, 16 and 17 of Regulation 909, R.R.O. 1990 made under the PBA (the "Regulation") and, specifically, which includes either:

> The results of such tests performed on both a going concern and solvency basis as will demonstrate the sufficiency of the contributions to provide for the benefits set out in the Plan without consideration of any provision for reduction of benefits set out in the Plan;
>
> or
>
> Where contributions are not sufficient to provide the benefits under the Plan as determined on both a going concern and solvency basis, a proposal by the actuary of options available to the administrator of the Plan that will have the result that the required contributions will be sufficient to provide the benefits under the Plan on both a going concern and solvency basis.

REASONS FOR THE PROPOSED ORDER:

1. The Plan is a multi-employer pension plan ("MEPP") established pursuant to a collective agreement or a trust agreement.
2. Section 14 of the Regulation requires the administrator of a pension plan, including MEPPs, to file with the Superintendent of Financial Services a report prepared by an actuary containing an actuarial valuation of the pension plan. Section 14(8) of the Regulation requires that such a report set out "on the basis of a solvency valuation", *inter alia*, whether there is a solvency deficiency and, if there is a solvency deficiency the amount of the solvency deficiency and the special payments required to liquidate the deficiency, whether the transfer ratio is less than one and if the transfer ratio is less than one, the transfer ratio.

3. Section 17(1) of the Regulation states that to determine the existence of a solvency deficiency for the purposes of a report under section 14, "a valuation shall be performed by the person preparing the report to determine the solvency liabilities of the plan and the solvency assets of the plan". Section 17(2) of the Regulation states that "in determining the solvency liabilities for a multi-employer pension plan established pursuant to one or more collective agreements or a trust agreement ... , the solvency liabilities shall be determined on the basis of the benefits structure set out in the plan at the date of the valuation without consideration of any provision for the possible reduction of such benefits."
4. Section 16 of the Regulation states that an actuary preparing a report under section 14 "shall use methods and actuarial assumptions that are consistent with accepted actuarial practice and with the requirements of the" *PBA* and Regulation.
5. Section 6(4) of the Regulation requires the actuary, as a part of the report required under section 14 prepared in respect of a multi-employer pension plan established pursuant to a collective agreement or a trust agreement, to do the following:
   (a) perform such tests as will demonstrate the sufficiency of the contributions required by the collective agreement or agreements to provide for the benefits set out in the plan without consideration of any provision for reduction of benefits set out in the plan; or
   (b) where the contributions are not sufficient to provide the benefits under the plan, propose options available to the administrator of the plan that will have the result that the required contributions will be sufficient to provide the benefits under the plan.
6. The *PBA* and Regulation require that an actuary consider the solvency position of the Plan in performing the tests referred to in section 6(4)(a) of the Regulation because the Regulation clearly requires the actuary to perform a valuation of a plan (including a MEPP) on a solvency basis.
7. The Board of Trustees of the Plan (the "Administrator") submitted a report for the Plan as required under section 14 valuing the Plan as at December 31, 2003. The report was revised and resubmitted in February 2005 (the "Report").
8. In the Actuarial Certificate at page 31 of the Report, the actuary states that "recognizing the benefit structure set out in the Plan, the solvency liability is no more than the assets in the Plan at any particular point in time. As at December 31, 2003, the solvency liability is equal to the market value of assets." This statement necessarily implies that solvency liabilities were determined on the basis that benefits in the Plan would be reduced to the market value of the assets. Such a method of computing solvency liabilities contravenes the express requirements of section 17(2) of the Regulation.
9. In the Addendum to Actuarial Certificate at page 33 of the Report, the Report appears to set out the computation of the solvency deficiency in accordance with the definition of that term set out in section 1 of the Regulation, employing a methodology for computing the solvency liabilities (referred to as "wind-up liabilities" therein) that appears to comply with section 17(2) of the Regulation. This computation reveals a solvency deficiency

of $687,770,000 based on total Plan assets with a market value of $1,133,327,000 as of December 31, 2003. If this is a computation of the solvency deficiency and solvency liability then the statement contained on page 31 of the Report that the solvency liabilities are equal to the market value of the assets is incorrect.

10. The Report does not comply with section 6(4)(a) of the Regulation because it does not contain "such tests as will demonstrate the sufficiency of the contributions ... to provide for the benefits set out in the plan without consideration of any provision for reduction of benefits set out in the plan." The tests performed to demonstrate the sufficiency of the contributions on a solvency basis that employ a methodology that complies with the *PBA* and Regulation indicate a significant solvency deficiency and, therefore, do not demonstrate the sufficiency of the contributions. The tests performed purporting to demonstrate the sufficiency of the contributions were only performed on a going concern basis or contained a computation of solvency liabilities which took into consideration Plan provisions for reduction of benefits set out in the Plan contrary to sections 17(2) and 6 (4)(a) of the Regulation.
11. Nor does the actuary in the Report "propose options available to the administrator of the plan that will have the result that the required contributions will be sufficient to provide the benefits under the plan" in accordance with section 6(4)(b) of the Regulation which is required in the absence of the tests referred to in section 6(4)(a).
12. Under section 88 of the *PBA* the Superintendent may make an order requiring the preparation of a new report and specifying the assumptions or methods or both that shall be used in the preparation of a new report where, *inter alia*, the Superintendent is of the opinion that a report submitted in respect of a pension plan does not meet the requirements and qualifications of the *PBA*, regulations or pension plan. For the reasons set out above, the Report does not meet the requirements of the *PBA* or the Regulation.
13. Such further and other reasons as may come to my attention.

YOU ARE ENTITLED TO A HEARING before the Financial Services Tribunal of Ontario (the "Tribunal") pursuant to subsection 89(6) of the *PBA* if you deliver to the Tribunal, within thirty (30) days of the date of service of this Notice of Proposal, notice in writing requiring a hearing.[1] Any notice requiring a hearing should be delivered to:

Financial Services Tribunal
5160 Yonge Street, 14th Floor
Toronto, ON M2N 6L9

Attention: The Registrar

IF YOU FAIL TO DELIVER TO THE TRIBUNAL WITHIN THIRTY (30) DAYS FROM THE DATE THIS NOTICE IS SERVED ON YOU, A WRITTEN NOTICE THAT YOU REQUIRE A HEARING, I MAY MAKE THE ORDER PROPOSED IN THIS NOTICE OF PROPOSAL.

DATED at Toronto, Ontario, this 7th day of July, 2005.

K. David Gordon
Deputy Superintendent, Pensions

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[1] NOTE - Pursuant to section 112 of the *Act* any Notice, Order or other document is sufficiently given, served or delivered if delivered personally or sent by first class mail and any document sent by first class mail shall be deemed to be given, served or delivered on the seventh day after the date of mailing.

IN THE MATTER of the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the "Act");

AND IN THE MATTER of a Proposal of the Superintendent of Financial Services to make an Order under section 69 of the Act, respecting the **Pension Plan for the Employees of International Controls Limited (the "Plan") Registration Number 1010537;**

TO:
Darlene Sundercock
Wind-Up Customer Service Specialist
London Life Insurance Company
255 Dufferin Avenue
London, ON N6K 4K1
Administrator

AND TO:
Gail Taylor
Administrator
International Controls Limited
5375 Brendan Lane
Oldcastle, ON N0R 1L0
Employer

AND TO:
Chester Cszypula
BDO Dunwoody
103-252 Pall Mall Street
London, ON N6A 5PA
Trustee in Bankruptcy

NOTICE OF PROPOSAL TO MAKE AN ORDER

I PROPOSE TO MAKE AN ORDER under section 69 of the Act that the Plan be wound up effective July 31, 2004 for the following reasons and such further reasons that may come to my attention:

1. There was a cessation or suspension of employer contributions to the pension fund.
2. The Employer failed to make contributions to the pension fund as required by this Act.
3. The Employer is bankrupt within the meaning of the *Bankruptcy and Insolvency Act*.

YOU ARE ENTITLED TO A HEARING by the Financial Services Tribunal (the Tribunal) pursuant to section 89(6) of the Act, if, within thirty (30) days after the Notice of Proposal is served on you, you deliver to the Tribunal a written notice that you require a hearing[1].

ANY NOTICE REQUIRING A HEARING shall be delivered to:

Financial Services Tribunal
5160 Yonge Street, 14th Floor
Toronto, ON M2N 6L9

Attention: The Registrar

FOR FURTHER INFORMATION, contact the Registrar of the Tribunal by phone at 416-226-7752, toll free at 1-800-668-0128, ext. 7752, or by fax at 416-226-7750.

IF YOU DO NOT DELIVER TO THE TRIBUNAL, WITHIN THIRTY (30) DAYS FROM THE DATE THIS NOTICE OF PROPOSAL IS SERVED ON YOU, A WRITTEN NOTICE THAT YOU REQUIRE A HEARING, I MAY MAKE THE ORDER PROPOSED HEREIN.

DATED at Toronto, Ontario, this 14th day of July, 2005.

K. David Gordon
Deputy Superintendent, Pensions

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IN THE MATTER OF the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the "Act");

AND IN THE MATTER OF an Application under subsection 78(1) of the *Act* submitted by **Alexander Metal Products (1965) Limited** in respect of the **Pension Plan for Employees of Alexander Metal Products (1965) Limited, Registration Number 533273;**

AND IN THE MATTER OF a Proposal to Require a New Report by the Superintendent of Financial Services under section 88 of the Act in respect of the **Pension Plan for Employees of Alexander Metal Products (1965) Limited, Registration Number 533273** (the "Plan");

TO: **Alexander Metal Products (1965) Limited**
Employer and Administrator of the Plan

AND TO: **c/o Low, Murchison LLP**
Barristers and Solicitors
200 - 441 MacLaren St.
Ottawa, ON K2P 2H3

Attention: Daniel Scott
Lawyers for the Employer and Administrator

NOTICE OF PROPOSAL

I PROPOSE TO REFUSE TO CONSENT, pursuant to subsection 78(1) of the *Act*, to the application for the withdrawal of surplus dated December 12, 2003 ("Surplus Application"), submitted by Alexander Metal Products (1965) Limited, (the "Employer") for the payment of surplus on the wind up of the Plan to the Employer.

I ALSO PROPOSE TO REQUIRE a new wind-up report to be prepared and filed which shall deal with the distribution of surplus related to the wind up of the Plan effective October 31, 2002, pursuant to sections 70 and 88 of the Act.

REASONS:

1. The Employer is the employer and administrator of the Plan. The Plan is a defined contribution pension plan.
2. The Employer submitted the Surplus Application on the basis that the Plan is being wound up. The Employer previously submitted a wind up report dated June 25, 2003 ("Wind up Report"), which was approved by FSCO July 4, 2003. The Wind up Report showed that there was no surplus in the Plan, and therefore did not provide for the payment of surplus.
3. In support of the Surplus Application the Employer attached a copy of a letter dated November 27, 2003 from Manulife Financial to Low, Murchison LLP, solicitors for the Employer, which states that there is surplus in the Plan as at October 2003 in the amount of $99,048.20. The letter also states that this surplus arose from the conversion of a prior defined benefit plan to a money purchase plan.
4. By letter dated May 21, 2004, FSCO informed the solicitors for the Employer that staff had reviewed the Surplus Applications, and it had several concerns:
    a. The Wind up Report submitted did not show that the plan has a surplus. It showed assets equal liabilities and that surplus was $0.00. ;
    b. The notices to members did not set out the following:

(1) Methodology used to determine the surplus attributable to employee and employer contributions;

(2) There was no full and complete disclosure of all provisions of the plan and trust documents from the inception of the plan that may be relevant in determining entitlement to surplus on wind up. This includes the provisions in all current and prior plan texts, trusts agreements, insurance contracts, and other documents that may be relevant;

(3) It did not state that members, former members, or other affected persons may wish to obtain independent legal advice with respect to the Surplus Application and the proposed distribution agreement before they give any consent.

c. The Surplus Application indicates at page 4 under the heading "Conditions Precedent to a Proposal to Consent" that "The Plan documentation does not make reference to the payment of any surplus"; and

d. The Employer has not obtained the consent of at least two-thirds of the former members to the refund of surplus to the Employer. The Employer provided waivers signed by members in 1990, which were signed prior to the Surplus Application.

5. The solicitors for the Employer were advised by FSCO in the letter dated May 21, 2004, that the Surplus Application does not satisfy the requirements of the *Act*, Regulations and conditions set out in FSCO Policy. The employer was given specific information on the areas of non-compliance. The employer was also advised that failure to adequately demonstrate compliance may result in a refusal of the application.

6. In response to the May 21, 2004 letter from FSCO, the solicitors for the Employer by letter dated June 22, 2004 indicated that the letter from Manulife confirmed that there is surplus in the Plan. However, no new or revised wind up report was submitted in support of this position. The solicitors for the Employer also indicated that members already received the pension benefits that they bargained for in their employment agreement, and that the surplus arose entirely due to the employer's over contribution to the previous plan.

7. Subsection 79(3) of the *Act* provides in part that the Superintendent shall not consent to an application by an employer in respect of surplus in a pension plan that is being wound up in whole or in part unless: (a) he is satisfied, based on reports provided with the application, that the pension plan has a surplus; (b) the pension plan provides for the payment of surplus to the employer on the wind up of the plan; (d) the applicant and the pension plan comply with all the other requirements prescribed under other section of the *Act* in respect of the payment of surplus out of a pension fund.

8. Clause 8(1)(b) of Regulation 909, R.R.O. 1990, as amended ("the Regulations") provides that no payment may be made from the surplus out of a pension plan that is being wound up in whole or in part unless the payment is to be made with the written agreement of: (i) the employer, (ii) if there is no collective bargaining agent of the plan, at least two-thirds of the members of the plan;

and (iii) such number of former members and other persons who are entitled to the payment under the plan on the date of the wind up of the plan as the Superintendent considers appropriate in the circumstances.

9. The Financial Services Commission of Ontario's ("FSCO") Policy No. S900-510 sets out the requirements for written agreements, pursuant to clause 8(1)(b) of the Regulations. It provides at section 19 that the Superintendent must be satisfied that the employer has provided the former members and other persons who are not currently represented by independent legal counsel with a reasonable opportunity to obtain independent legal advice with respect to the Surplus Application, and the employer has obtained the number of executed agreements required from affected members and others under the regulations.
10. In respect of the level of consent, section 23 of FSCO Policy N0. 5900-510 provides that in order to satisfy subclause 8(1)(b)(iii) of the Regulations, an applicant should obtain the written agreements of at least two-thirds of the aggregate of those former members and other persons entitled to payments under the pension plan at the date of wind up.
11. Subsection 28(5) of the Regulations sets out the requirements of the notice of application, required under subsection 78(2) of the *Act*, for the payment of money that is surplus to the employer out of a pension plan. Specifically subsection 28(5)(c) provides that the notice shall contain the surplus attributable to the employee and employer's contributions and subsection 28(5)(f) requires that the notice must set out the contractual authority for surplus reversion.
12. FSCO Policy S900-600 section 9, provides that with respect to clause 28(5)(f) of the Regulations, there must be full and complete disclosure of all provisions of the plan and trust documentation from the inception, that may be relevant in determining entitlement to the payment of surplus on wind up, including provisions in all current and prior plan texts, trust agreements, insurance contracts, employee booklets, employee notices and any other documents that may be relevant.
13. Section 9 of FSCO Policy S900-600 also provides in part that the actual wording of all the provisions from the plan and trust documentation from the inception of the plan that may be relevant to surplus entitlement and to the question of authority to make the plan amendments must be cited in the Surplus Notice, along with the full analysis of their implications.
14. The notice of application provided by the Employer to former members and other persons entitled to benefits under the Plan does not contain any reference to the provisions of the current Plan, prior plans or any other document that may be relevant. Further it does not set out the surplus attributable to employee and employer contributions, the contractual authority for surplus reversion, nor does it state that the former members or other affected persons may wish to obtain independent legal advice with respect to the Surplus Application and the surplus distribution agreement before they give any consent. Therefore, the Employer has not demonstrated that it has complied with subsection 78(2) of the *Act* and subsection 28(5) of the Regulations.

15. The consents from the former members of the Plan indicate that a surplus exists and grants approval for the withdrawal of said surplus for credit to the Employer. These consents are dated October 31, 1990, and predate the wind up of the Plan. Therefore, the Employer has not demonstrated that it has complied with sub clause 8(1)(b)(iii) of the Regulation, which requires the agreement of at least two-thirds of the former members of the Plan at the date of the wind up of the Plan.
16. The Wind up Report showed that there is no surplus in the plan. However, the Employer indicated in the Surplus Application that there is surplus. Section 30(f) of FSCO Policy 900-510 requires that the Surplus Application be accompanied by copies of the title pages and the balance sheet of the Wind up Report as of the effective date of the wind up giving rise to the Surplus Application and the actuary's certification from the Wind up Report or any supplemental wind up report. It further provides that a supplement to a wind up report will be required if the distribution of surplus is not addressed in the Wind up Report or the initial wind up report does not reflect the surplus distribution proposals outlined in the Surplus Application.
17. Section 88 of the *Act* provides that the Superintendent may require an administrator to prepare a new report where the report does not meet the requirements of the *Act*, and the Superintendent may specify the methods that shall be used in the preparation of the new report.
18. Such further and other grounds as may come to my attention.

YOU ARE ENTITLED TO A HEARING before the Financial Services Tribunal of Ontario (the "Tribunal") pursuant to subsection 89(6) of the *Act*. To request a hearing, you must deliver to the Tribunal a written notice that you require a hearing, within thirty (30) days after this Notice of Proposal is served on you.[1]

YOUR WRITTEN NOTICE must be delivered to:

Financial Services Tribunal
5160 Yonge Street, 14th Floor
North York, ON M2N 6L9

Attention: The Registrar

For further information, contact the Registrar of the Tribunal by phone at 416-226-7752, or toll free at 1-800-668-0128, ext. 7752, or by fax at 416-226-7750.

IF YOU FAIL TO REQUEST A HEARING WITHIN THIRTY (30) DAYS, I MAY REFUSE TO CONSENT TO THIS APPLICATION, AS PROPOSED IN THIS NOTICE OF PROPOSAL.

DATED at Toronto, Ontario, this 14th day of July, 2005.

K. David Gordon
Deputy Superintendent, Pensions

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[1] NOTE – Pursuant to section 112 of the *Act*, any Notice, Order or other document is sufficiently given, served or delivered if delivered personally or sent by first class mail and any document sent by first class mail shall be deemed to be given, served or delivered on the seventh day after the day of mailing

IN THE MATTER OF the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the "Act");

AND IN THE MATTER OF a Proposal of the Superintendent of Financial Services to Refuse to Make an Order under section 69 of the *Act* **relating to the Hydro One Pension Plan Registration Number 1059104 (the "Plan");**

TO:
Ken Hartwick
Chief Financial Officer & Sr. V.P.
Hydro One Inc.
483 Bay St
South Tower, 10th Floor
Toronto, ON M5G 2P5

AND TO:
Hydro One Members Committee
c/o Chris Marino
212 Donlea Drive
Toronto, ON M4G 2M9

AND TO:
Society of Energy Professionals
425 Bloor Street East, Suite 300
Toronto, ON M4W 3R4

AND TO:
Power Workers' Union
244 Eglinton Avenue East
Toronto, ON M4P 1K2

NOTICE OF PROPOSAL

I PROPOSE TO REFUSE TO MAKE AN ORDER under section 69 of the *Act* that the Plan be wound up in part in relation to those members of the Plan whose employment terminated between January 1, 2000 and December 31, 2002.

REASONS FOR THE REFUSAL:

1. The Plan was established effective December 31, 1999, as the successor pension plan to the Ontario Electricity Financial Corporation Plan (which was formerly the Ontario Hydro Pension Plan and Insurance Plan).
2. The sponsor of the Plan, Hydro One Inc. (the "employer"), is the successor corporation to Ontario Hydro, having acquired its transmission, distribution and energy services business effective April 1, 1999. Hydro One has a number of subsidiaries, some of which include employees who are members of the Plan. The details of the employer's corporate structure are set out below, to the extent it is relevant in considering the request for a partial wind up.
3. The request for a partial wind up of the plan is the result of a number of "initiatives" announced by the employer between November 1999 and August 2002, which resulted in members of the Plan ceasing to be employed between January 1, 2000 and December 31, 2002. The initiatives are described as follows
   a) In November 1999 the employer announced a voluntary retirement program to be implemented in 2000 (the "VRP 2000"). It's stated purposes were to reduce costs, and, by providing early retirement incentives to a large number of employees, adjust demographics to allow remaining employees to develop technical and leadership skills. It was a program authorized by the Board of Directors, approved by the two unions who represent most of the plan members (management employees are however

included in the plan), and was formalized through an amendment to the pension plan. It included the provision of enhanced pension benefits that met the requirements of s.74 of the Act. These benefits were paid for out of the pension plan surplus. The program was largely completed by May 1, 2000, but a number of employees stayed on until later in the year. The employer expected 500-700 terminations under this program, but accepted 1401;

b) In September 2001 the employer implemented a Voluntary Separation Program for Management under which 22 management members were terminated. The employer states that this was conceived as part of a cost reduction measure in the 2002 budget and was entirely voluntary. No specific authorization was obtained from the Board of Directors of the employer and the employer asserts there is no documentation available to support the program prior to its implementation. No pension enhancements were offered as part of this program;

c) On March 1, 2002 804 plan members were transferred to the Inergi LP Pension Plan Registration Number 1079714. The approval of this asset transfer under section 80 of the Act is still pending. There were 4 retirements and 33 terminations in Inergi during the period March 1, 2002 - April 1, 2003 and a further transfer of 238 members from Inergi to the Vertex Customer Management (Canada) Limited Pension Plan. An asset transfer under s.80 of the Act is also pending with respect to this transaction;

d) On August 28, 2002 the employer announced the "remerging" of two Hydro One Inc. subsidiaries- Hydro One Networks Inc. and Hydro One Network Services Inc., and reducing layers of management within Hydro One. As a result, two termination programs were initiated. One was negotiated with the Society of Energy Professionals (the "Society") where the members who were selected were terminated on a voluntary basis. There were between 55 and 61 members of the Society whose employment ceased in this period. The other, an involuntary program for the management group, resulted in between 73 and 86 terminations. Neither group was offered grow in benefits under section 74 of the Act that are available when a plan is wound up in whole or in part. There were 413 members in the management group at this time, 806 in the Society and approximately 4000 in total in the Plan.

4. There is no evidence that these different initiatives are connected to each other to constitute one "discontinuance of all or part of the employers business" or one "reorganization of the business of the employer" as is required by section 69(1)(d). Each of the initiatives was undertaken as a result of business objectives that were identified at the time the initiative was made and was not directly connected to the other. There is no evidence that initiatives undertaken in 2001 and 2002 were connected to the VRP 2000.

5. The VRP 2000 did represent a significant number of plan members for purposes of s.69(1)(d). As indicated in the 1999 Hydro One Annual Report the electrical utilities industry was being restructured at that time and a new corporate structure was being implemented. The stated purposes of the VRP 2000 - cost reduction and a demographic adjustment in the workforce suggest that the 1401 employment terminations were a result of the reorganization of the business of the employer. Therefore, there are grounds for the Superintendent to consider a partial wind up under s.69(1)(d). However, the members who were terminated were part of a voluntary early retirement program. The members received benefits at least equal to those they would have received if there had been a partial wind up. The members also received benefit enhancements which would in the context of a partial wind up be considered distribution of surplus assets. Therefore it is appropriate for the Superintendent to exercise discretion and not order a partial wind up of the Plan with respect to the VRP 2000.
6. The Voluntary Separation Program in September 2001, which resulted in 22 management employees terminating employment did not result in a significant number of members of the pension plan ceasing to be employed and therefore there are no grounds for ordering a partial wind up with respect to this initiative under section 69(1)(d) of the Act.
7. The transfer of 804 employees to Inergi Inc. included a transfer of pension assets under section 80 of the Act for which approval is still pending. Where a transfer is made under section 80, the employment of the members is deemed to be continued and therefore there are no grounds for ordering a partial wind up with respect to this transaction. The termination of the employment of 33 plan members following their transfer to Inergi Inc. represent terminations from the Inergi Inc. plan and are not a consideration for this pension plan.
8. The "remerging" of two Hydro One Inc. affiliates - Hydro One Networks Inc and Hydro One Network Services Inc, and reducing layers of management within Hydro One, announced on August 22, 2002, resulted in the termination of between 55 and 61 Society members under a voluntary agreement, and the involuntary termination of between 73 and 86 management members. This remerging did constitute the reorganization of the business of the employer for the purposes of section 69(1)(d) of the Act. However, in the context of an active Plan membership of approximately 4000, this did not constitute a significant number of members of the plan ceasing to be employed. Therefore there are no grounds to order a partial wind up with respect to these initiatives.
9. Such further and other reasons that may come to my attention.

YOU ARE ENTITLED TO A HEARING by the Financial Services Tribunal (the "Tribunal") pursuant to s. 89(6) of the *Act*. To request a hearing, you must deliver to the Tribunal a written notice that you require a hearing, within thirty (30) days after this Notice of Proposal is served on you.[1]

YOUR WRITTEN NOTICE must be delivered to:

Financial Services Tribunal
5160 Yonge Street, 14th Floor
Toronto, ON M2N 6L9

Attention: The Registrar

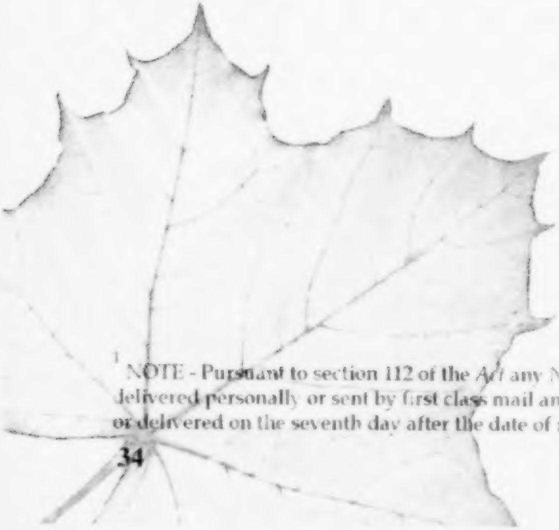
FOR FURTHER INFORMATION, contact the Registrar of the Tribunal by phone at 416-226-7752, toll free at 1-800-668-0128, ext. 7752, or by fax at 416-226-7750.

IF YOU FAIL TO REQUEST A HEARING WITHIN THIRTY (30) DAYS, I MAY REFUSE TO MAKE THE ORDER PROPOSED IN THIS NOTICE.

DATED at North York, Ontario, July 14th 2005.

K. David Gordon
Deputy Superintendent, Pension Division

c.c. Elizabeth M. Brown
Hicks, Morley
Dona Campbell
Sack Goldblatt Mitchell



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IN THE MATTER of the *Pension Benefits Act*, R.S.O. 1990, P.8, as amended (the "Act");

AND IN THE MATTER of a Proposal of the Superintendent of Financial Services to make an Order under section 69 of the Act, respecting the **Pension Plan for the Employees of Toronto Victoria Financial Group Inc. (the "Plan") Registration Number 1084110;**

TO:

Philip Schalk
Desjardins Financial Security
P.O. Box, Station A
Toronto, ON M5W 3M7
Administrator

AND TO:

Toronto Victoria Financial Group Inc.
Ernest Y. L. Wong
8920 Woodbine Avenue,
Suite 301
Unionville, ON L3R 9W9
Employer

NOTICE OF PROPOSAL TO MAKE AN ORDER

I PROPOSE TO MAKE AN ORDER under section 69 of the Act that the Plan be wound up effective **October 25, 2003** for the following reasons and such further reasons that may come to my attention:

> There was a cessation or suspension of employer contributions to the pension fund.

YOU ARE ENTITLED TO A HEARING by the Financial Services Tribunal (the Tribunal) pursuant to section 89(6) of the Act, if, within thirty (30) days after the Notice of Proposal is served on you, you deliver to the Tribunal a written notice that you require a hearing[1]. **Any notice requiring a hearing shall be delivered to the:**

Financial Services Tribunal
5160 Yonge Street, 14th Floor
Toronto, ON M2N 6L9

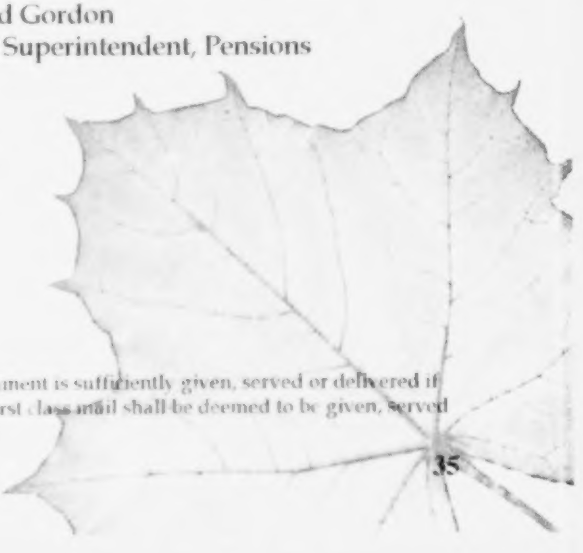
Attention: The Registrar

FOR FURTHER INFORMATION, contact the Registrar of the Tribunal by phone at 416-226-7752, toll free at 1-800-668-0128, ext. 7752, or by fax at 416-226-7750.

IF YOU DO NOT DELIVER TO THE TRIBUNAL, WITHIN THIRTY (30) DAYS FROM THE DATE THIS NOTICE OF PROPOSAL IS SERVED ON YOU, A WRITTEN NOTICE THAT YOU REQUIRE A HEARING, I MAY MAKE THE ORDER PROPOSED HEREIN.

DATED at Toronto, Ontario, this 8th day of August, 2005.

K. David Gordon
Deputy Superintendent, Pensions



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IN THE MATTER of the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the "Act");

AND IN THE MATTER of a Proposal of the Superintendent of Financial Services to make an Order under section 69 of the Act, respecting the **Pension Plan for the Employees of Erno Manufacturing Co. Limited, A Member Company of the Canadian Office Products Association (the "Plan") Registration Number 0306449;**

TO:
Dominic Muro
Compliance Support Specialist
Group Savings and Retirement
The Standard Life Assurance Company
1245 Sherbrooke Street West,
Suite 1100
Montreal, PQ H3G 1G3
Administrator

AND TO:
Mike Vanic
Director of Finance
Erno Manufacturing Co. Limited
19 Curity Avenue
Toronto, ON M4B 1X4
Employer

AND TO:
Mike Mammoliti
KPMG Inc.
Suite 3300 Commerce Court West
PO Box 31 Stn Commerce Court
Toronto, ON M5L 1B2
Trustee in Bankruptcy

NOTICE OF PROPOSAL TO MAKE AN ORDER

I PROPOSE TO MAKE AN ORDER under section 69 of the Act that the Plan be wound up effective **November 7, 2003** for the following reasons and such further reasons that may come to my attention:

> The employer is bankrupt within the meaning of the *Bankruptcy and Insolvency Act*.

YOU ARE ENTITLED TO A HEARING by the Financial Services Tribunal (the Tribunal) pursuant to section 89(6) of the Act, if, within thirty (30) days after the Notice of Proposal is served on you, you deliver to the Tribunal a written notice that you require a hearing[1]. **Any notice requiring a hearing shall be delivered to the:**

Financial Services Tribunal
5160 Yonge Street, 14th Floor
Toronto, ON
M2N 6L9

Attention: The Registrar

FOR FURTHER INFORMATION, contact the Registrar of the Tribunal by phone at 416-226-7752, toll free at 1-800-668-0128, ext. 7752, or by fax at 416-226-7750.

IF YOU DO NOT DELIVER TO THE TRIBUNAL, WITHIN THIRTY (30) DAYS FROM THE DATE THIS NOTICE OF PROPOSAL IS SERVED ON YOU, A WRITTEN NOTICE THAT YOU REQUIRE A HEARING, I MAY MAKE THE ORDER PROPOSED HEREIN.

DATED at Toronto, Ontario, this 8th day of August, 2005.

K. David Gordon
Deputy Superintendent, Pensions

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IN THE MATTER of the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the "Act");

AND IN THE MATTER of a Proposal of the Superintendent of Financial Services to make an Order under section 69 of the Act, respecting the **Decor Products International, A Division of Kleco Corporation Salaried Pension Plan (the "Plan") Registration Number 698076;**

TO:

Darlene Sundercock
Wind-up Customer Service Specialist
London Life Insurance Company
255 Dufferin Avenue
London, ON N6A 4K1
Administrator

AND TO:

Ron Henderson
Controller
Decor Products International
140 Bay Street
Midland, ON L4R 4L4
Employer

AND TO:

Robert Harlang
RSM Richter Inc.
1900-200 King Street West
Toronto, ON M5H 3T4
Trustee in Bankruptcy

NOTICE OF PROPOSAL TO MAKE AN ORDER

I PROPOSE TO MAKE AN ORDER under section 69 of the Act that the Plan be wound up effective **March 31, 2005** for the following reasons and such further reasons that may come to my attention:

1. Cessation or suspension of employer contributions to the pension fund.
2. All or a significant portion of the business carried on by the employer at a specific location was discontinued.
3. The employer is bankrupt within the meaning of the *Bankruptcy and Insolvency Act*.

YOU ARE ENTITLED TO A HEARING by the Financial Services Tribunal (the Tribunal) pursuant to section 89(6) of the Act, if, within thirty (30) days after the Notice of Proposal is served on you, you deliver to the Tribunal a written notice that you require a hearing[1]. **Any notice requiring a hearing shall be delivered to the:**

Financial Services Tribunal
5160 Yonge Street, 14th Floor
Toronto, ON M2N 6L9

Attention: The Registrar

FOR FURTHER INFORMATION, contact the Registrar of the Tribunal by phone at 416-226-7752, toll free at 1-800-668-0128, ext. 7752, or by fax at 416-226-7750.

IF YOU DO NOT DELIVER TO THE TRIBUNAL, WITHIN THIRTY (30) DAYS FROM THE DATE THIS NOTICE OF PROPOSAL IS SERVED ON YOU, A WRITTEN NOTICE THAT YOU REQUIRE A HEARING, I MAY MAKE THE ORDER PROPOSED HEREIN.

DATED at Toronto, Ontario, this 8th day of August, 2005.

K. David Gordon
Deputy Superintendent, Pensions

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IN THE MATTER of the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the "Act");

AND IN THE MATTER of a Proposal of the Superintendent of Financial Services to make an Order under section 69 of the Act, respecting the **Premium Pork Canada Pension Plan (the "Plan") Registration Number 1103175;**

TO: Darlene Sundercock
Wind-up Customer Service Specialist
London Life Insurance Company
255 Dufferin Avenue
London, ON N6A 4K1
Administrator

AND TO: Brenda Graham
Administrator
Premium Pork Canada Inc.
34694 Richmond Street
P.O. Box 131
Lucan, ON N0M 2J0
Employer

AND TO: Audrey Singels-Ludvik
KPMG Inc.
P.O. Box 31
199 Bay Street, Suite 3300
Toronto, ON M5L 1B2
Trustee in Bankruptcy

NOTICE OF PROPOSAL TO MAKE AN ORDER

I PROPOSE TO MAKE AN ORDER under section 69 of the Act that the Plan be wound up effective **June 30, 2004** for the following reasons and such further reasons that may come to my attention:

1. There was a cessation or suspension of employer contributions to the pension fund.
2. A significant number of members of the pension plan ceased to be employed by the employer as a result of the discontinuance of all or part of the business of the employer or as a result of the reorganization of the business of the employer.
3. The employer is bankrupt within the meaning of the *Bankruptcy and Insolvency Act*.

YOU ARE ENTITLED TO A HEARING by the Financial Services Tribunal (the Tribunal) pursuant to section 89(6) of the Act, if, within thirty (30) days after the Notice of Proposal is served on you, you deliver to the Tribunal a written notice that you require a hearing[1]. Any notice requiring a hearing shall be delivered to the:

Financial Services Tribunal
5160 Yonge Street, 14th Floor
Toronto, ON M2N 6L9

Attention: The Registrar

FOR FURTHER INFORMATION, contact the Registrar of the Tribunal by phone at 416-226-7752, toll free at 1-800-668-0128, ext. 7752, or by fax at 416-226-7750.

IF YOU DO NOT DELIVER TO THE TRIBUNAL, WITHIN THIRTY (30) DAYS FROM THE DATE THIS NOTICE OF PROPOSAL IS SERVED ON YOU, A WRITTEN NOTICE THAT YOU REQUIRE A HEARING, I MAY MAKE THE ORDER PROPOSED HEREIN.

DATED at Toronto, Ontario, this 11th day of August, 2005.

K. David Gordon
Deputy Superintendent, Pensions

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IN THE MATTER of the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the "Act");

AND IN THE MATTER of a Proposal of the Superintendent of Financial Services to make an Order under section 69 of the Act, respecting the **Group Pension Plan for the Employees of Collins Commercial Photo Copy Limited (the "Plan") Registration Number 0233866;**

TO: Darlene Stegner
Plan Design Specialist
Manulife Financial
500 King Street North KC-6
P.O. Box 396 Station Waterloo
Waterloo, ON N2J 4A9
Administrator

AND TO: Leslie Hildebrand
Administrator
Commercial Photo Copy
76 Geneva Street
St. Catharines, ON L2R 4M8
Employer

AND TO: Graeme Whitehead
BDO Dunwoody Limited
800 Quenston Road, Suite 202
P.O. Box 10
Stoney Creek, ON L8G 1A7
Trustee in Bankruptcy

NOTICE OF PROPOSAL TO MAKE AN ORDER

I PROPOSE TO MAKE AN ORDER under section 69 of the Act that the Plan be wound up effective **November 10, 2004** for the following reasons and such further reasons that may come to my attention:

The employer is bankrupt within the meaning of the *Bankruptcy and Insolvency Act*.

YOU ARE ENTITLED TO A HEARING by the Financial Services Tribunal (the Tribunal) pursuant to section 89(6) of the Act, if, within thirty (30) days after the Notice of Proposal is served on you, you deliver to the Tribunal a written notice that you require a hearing[1]. **Any notice requiring a hearing shall be delivered to the:**

Financial Services Tribunal
5160 Yonge Street, 14th Floor
Toronto, ON M2N 6L9

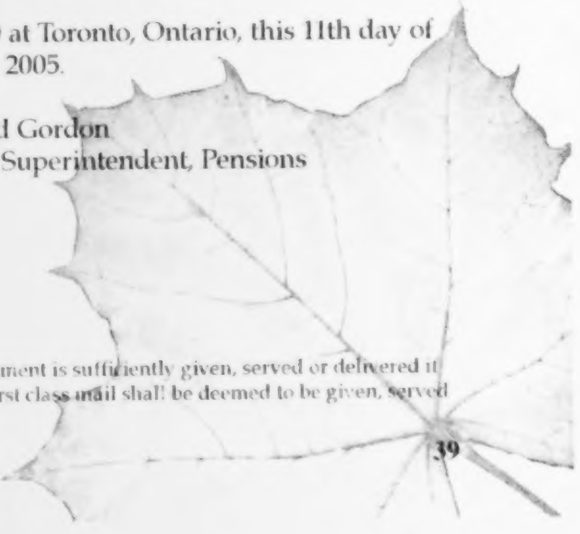
Attention: The Registrar

FOR FURTHER INFORMATION, contact the Registrar of the Tribunal by phone at 416-226-7752, toll free at 1-800-668-0128, ext. 7752, or by fax at 416-226-7750.

IF YOU DO NOT DELIVER TO THE TRIBUNAL, WITHIN THIRTY (30) DAYS FROM THE DATE THIS NOTICE OF PROPOSAL IS SERVED ON YOU, A WRITTEN NOTICE THAT YOU REQUIRE A HEARING, I MAY MAKE THE ORDER PROPOSED HEREIN.

DATED at Toronto, Ontario, this 11th day of August, 2005.

K. David Gordon
Deputy Superintendent, Pensions



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IN THE MATTER of the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the "Act");

AND IN THE MATTER of a Proposal of the Superintendent of Financial Services to make an Order under section 69 of the Act, respecting the **Pension Plan for the Employees of Daniel E. Oakes & Associates Ltd. (the "Plan") Registration Number 1071737;**

TO: Dominic Muro
Compliance Support Specialist
The Standard Life
1245 Sherbrooke Street West
Montreal, PQ H3G 1G3
Administrator

AND TO: Joe Gauthier
Administrator
Daniel E. Oakes & Associates Ltd.
1501 Carling Avenue
Ottawa, ON K1Z 7M1
Employer

AND TO: Larry Hillier
Surgeson Carson Associates Inc.
99 Fifth Avenue, Suite 8
Ottawa, ON K1S 5K4
Trustee in Bankruptcy

NOTICE OF PROPOSAL TO MAKE AN ORDER

I PROPOSE TO MAKE AN ORDER under section 69 of the Act that the Plan be wound up effective **January 31, 2005** for the following reasons and such further reasons that may come to my attention:

The employer is bankrupt within the meaning of the *Bankruptcy and Insolvency Act*.

YOU ARE ENTITLED TO A HEARING by the Financial Services Tribunal (the Tribunal) pursuant to section 89(6) of the Act, if, within thirty (30) days after the Notice of Proposal is served on you, you deliver to the Tribunal a written notice that you require a hearing[1]. **Any notice requiring a hearing shall be delivered to the:**

Financial Services Tribunal
5160 Yonge Street, 14th Floor
Toronto, ON M2N 6L9

Attention: The Registrar

FOR FURTHER INFORMATION, contact the Registrar of the Tribunal by phone at 416-226-7752, toll free at 1-800-668-0128, ext. 7752, or by fax at 416-226-7750.

IF YOU DO NOT DELIVER TO THE TRIBUNAL, WITHIN THIRTY (30) DAYS FROM THE DATE THIS NOTICE OF PROPOSAL IS SERVED ON YOU, A WRITTEN NOTICE THAT YOU REQUIRE A HEARING, I MAY MAKE THE ORDER PROPOSED HEREIN.

DATED at Toronto, Ontario, this 22nd day of August, 2005.

K. David Gordon
Deputy Superintendent, Pensions

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IN THE MATTER of the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the "Act");

AND IN THE MATTER of a Proposal of the Superintendent of Financial Services to make an Order under section 69 of the Act, respecting the **Pension Plan for A. Van Egmond Construction Ltd. (the Plan) Registration Number 1096396;**

TO:
Darlene Sundercock
Wind-up Customer Service Specialist
London Life Insurance Company
255 Dufferin Avenue
London, ON N6A 4K1
Administrator

AND TO:
Wendy Plata
Administrator
A. Van Egmond Construction Ltd.
P.O. Box 520
Smithville, ON L0R 2A0
Employer

AND TO:
Peter Pichelli Limited
Scott and Pichelli Limited
109-3600 Billings Court
Burlington, ON L7N 3N6
Trustee in Bankruptcy

NOTICE OF PROPOSAL TO MAKE AN ORDER

I PROPOSE TO MAKE AN ORDER under section 69 of the Act that the Plan be wound up effective **February 28, 2004** for the following reasons and such further reasons that may come to my attention:

1. There was a cessation or suspension of employer contributions to the pension fund.
2. The employer failed to make contributions to the pension fund as required by this Act.
3. The employer is bankrupt within the meaning of the *Bankruptcy and Insolvency Act*.
4. All or a significant portion of the business carried on by the employer at a specific location was discontinued.

YOU ARE ENTITLED TO A HEARING by the Financial Services Tribunal (the Tribunal) pursuant to section 89(6) of the Act, if, within thirty (30) days after the Notice of Proposal is served on you, you deliver to the Tribunal a written notice that you require a hearing[1]. Any notice requiring a hearing shall be delivered to the:

Financial Services Tribunal
5160 Yonge Street, 14th Floor
Toronto, ON M2N 6L9

Attention: The Registrar

FOR FURTHER INFORMATION, contact the Registrar of the Tribunal by phone at 416-226-7752, toll free at 1-800-668-0128, ext. 7752, or by fax at 416-226-7750.

IF YOU DO NOT DELIVER TO THE TRIBUNAL, WITHIN THIRTY (30) DAYS FROM THE DATE THIS NOTICE OF PROPOSAL IS SERVED ON YOU, A WRITTEN NOTICE THAT YOU REQUIRE A HEARING, I MAY MAKE THE ORDER PROPOSED HEREIN.

DATED at Toronto, Ontario, this 26th day of August, 2005.

K. David Gordon
Deputy Superintendent, Pensions

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IN THE MATTER of the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the "Act");

AND IN THE MATTER of a Proposal of the Superintendent of Financial Services to make an Order under section 69 of the Act, respecting the **Pension Plan for the Employees of Central Chrysler Plymouth (1981) Ltd. (the "Plan") Registration Number 926527;**

TO:
Melissa Lambert
Plan Design Specialist
Manulife Financial
500 King Street North
P.O. Box 1602
Waterloo, ON N2J 4C6
Administrator

AND TO:
John Sheldon
Administrator
Central Chrysler Plymonth (1981) Ltd.
790 Goyeau Street
Windsor, ON N9A 6P2
Employer

AND TO:
Angela Pollard
Pollard and Associates
31 Wright Street
Richmond Hill, ON L4C 4A2
Trustee in Bankruptcy

NOTICE OF PROPOSAL TO MAKE AN ORDER

I PROPOSE TO MAKE AN ORDER under section 69 of the Act that the Plan be wound up effective **September 30, 2004** for the following reasons and such further reasons that may come to my attention:

1. There was a cessation or suspension of employer contributions to the pension fund.
2. The employer is bankrupt within the meaning of the *Bankruptcy and Insolvency Act*.

YOU ARE ENTITLED TO A HEARING by the Financial Services Tribunal (the Tribunal) pursuant to section 89(6) of the Act, if, within thirty (30) days after the Notice of Proposal is served on you, you deliver to the Tribunal a written notice that you require a hearing[1]. **Any notice requiring a hearing shall be delivered to the:**

Financial Services Tribunal
5160 Yonge Street, 14th Floor
Toronto, ON M2N 6L9

Attention: The Registrar

FOR FURTHER INFORMATION, contact the Registrar of the Tribunal by phone at 416-226-7752, toll free at 1-800-668-0128, ext. 7752, or by fax at 416-226-7750.

IF YOU DO NOT DELIVER TO THE TRIBUNAL, WITHIN THIRTY (30) DAYS FROM THE DATE THIS NOTICE OF PROPOSAL IS SERVED ON YOU, A WRITTEN NOTICE THAT YOU REQUIRE A HEARING, I MAY MAKE THE ORDER PROPOSED HEREIN.

DATED at Toronto, Ontario, this 26th day of August, 2005

K. David Gordon
Deputy Superintendent, Pensions

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[1] NOTE - Pursuant to section 112 of the *Act* any Notice, Order or other document is sufficiently given, served or delivered if delivered personally or sent by first class mail and any document sent by first class mail shall be deemed to be given, served or delivered on the seventh day after the date of mailing.

IN THE MATTER of the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the "Act");

AND IN THE MATTER of a Proposal of the Superintendent of Financial Services to make an Order under section 69 of the Act, respecting the **Oxford Automotive Canada Ltd. Pension Plan for Hourly Employees Located at the Wallaceburg Plant. Registration Number 364356;**

TO:
Tony Karkheck
Senior Vice-president
PricewaterhouseCoopers Inc.
1 Robert Speck Parkway,
Suite 1100
Mississauga, ON L4Z 3M3
Administrator

AND TO:
Shelley McIntyre
Manager, Compensation
& Benefits (Canada)
Oxford Automotive Canada Ltd.
100 Mason Street
Wallaceburg, ON N8A 2L3
Employer

AND TO:
Rachel Pollock
Manager
Ernst & Young Inc.
222 Bay Street, PO Box 251
Toronto, ON M5K 1J7
Trustee in Bankruptcy

AND TO:
Bill Pollock
President
United Auto Workers Union, Local 251
88 Elm Drive South
Wallaceburg, ON N8A 5E7
Union representative for the members of the Plan

NOTICE OF PROPOSAL TO MAKE AN ORDER

I PROPOSE TO MAKE AN ORDER under section 69 of the Act that the Plan be wound up effective December 5, 2003 through March 1, 2004 for the following reasons and such further reasons that may come to my attention:

1. The employer is bankrupt within the meaning of the *Bankruptcy and Insolvency Act*.
2. All or a significant portion of the business carried on by the employer at a specific location was discontinued.

YOU ARE ENTITLED TO A HEARING by the Financial Services Tribunal (the "Tribunal") pursuant to section 89(6) of the Act, if, within thirty (30) days after the Notice of Proposal is served on you, you deliver to the Tribunal a written notice that you require a hearing[1]. **Any notice requiring a hearing shall be delivered to the:**

Financial Services Tribunal
5160 Yonge Street, 14th Floor
Toronto, ON M2N 6L9

Attention: The Registrar

FOR FURTHER INFORMATION, contact the Registrar of the Tribunal by phone at 416-226-7752, toll free at 1-800-668-0128, ext. 7752, or by fax at 416-226-7750.

IF YOU DO NOT DELIVER TO THE TRIBUNAL, WITHIN THIRTY (30) DAYS FROM THE DATE THIS NOTICE OF PROPOSAL IS SERVED ON YOU, A WRITTEN NOTICE THAT YOU REQUIRE

A HEARING, I MAY MAKE THE ORDER PROPOSED HEREIN.

DATED at Toronto, Ontario, this 26th day of August, 2005.

K. David Gordon
Deputy Superintendent, Pensions

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[1] NOTE - Pursuant to section 112 of the *Act* any Notice, Order or other document is sufficiently given, served or delivered if delivered personally or sent by first class mail and any document sent by first class mail shall be deemed to be given, served or delivered on the seventh day after the date of mailing.

IN THE MATTER of the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the "Act");

AND IN THE MATTER of a Proposal of the Superintendent of Financial Services to make an Order under section 69 of the Act, respecting the **Pension Plan for the Employees of Aimtronics Corporation (the "Plan") Registration Number 0415943;**

TO:
Darlene Sundercock
Wind-up Specialist
London Life Insurance Company
255 Dufferin Avenue
London, ON N6A 4K1
Administrator

AND TO:
Betty Salmon
Administrator
Aimtronics Corporation
100 Schneider Road
Kanata, ON K2K 1Y2
Employer

AND TO:
Ray Ali
Richter & Partners Inc.
90 Eglinton Avenue East
Suite 700
Toronto, ON M4P 2Y3
Receiver

NOTICE OF PROPOSAL TO MAKE AN ORDER

I PROPOSE TO MAKE AN ORDER under section 69 of the Act that the Plan be wound up effective **October 3, 2002** for the following reasons and such further reasons that may come to my attention:

1. There was a cessation or suspension of employer contributions to the pension fund.
2. The employer failed to make contributions to the pension fund as required by this Act.
3. The employer is bankrupt within the meaning of the *Bankruptcy and Insolvency Act*.

YOU ARE ENTITLED TO A HEARING by the Financial Services Tribunal (the Tribunal) pursuant to section 89(6) of the Act, if, within thirty (30) days after the Notice of Proposal is served on you, you deliver to the Tribunal a written notice that you require a hearing[1]. **Any notice requiring a hearing shall be delivered to the:**

Financial Services Tribunal
5160 Yonge Street, 14th Floor
Toronto, ON M2N 6L9

Attention: The Registrar

FOR FURTHER INFORMATION, contact the Registrar of the Tribunal by phone at 416-226-7752, toll free at 1-800-668-0128, ext. 7752, or by fax at 416-226-7750.

IF YOU DO NOT DELIVER TO THE TRIBUNAL, WITHIN THIRTY (30) DAYS FROM THE DATE THIS NOTICE OF PROPOSAL IS SERVED ON YOU, A WRITTEN NOTICE THAT YOU REQUIRE A HEARING, I MAY MAKE THE ORDER PROPOSED HEREIN.

DATED at Toronto, Ontario, this **1st** day of September, 2005.

K. David Gordon
Deputy Superintendent, Pensions

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[1] NOTE - Pursuant to section 112 of the *Act* any Notice, Order or other document is sufficiently given, served or delivered if delivered personally or sent by first class mail and any document sent by first class mail shall be deemed to be given, served or delivered on the seventh day after the date of mailing.

IN THE MATTER OF the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the "Act");

AND IN THE MATTER OF a Proposal by the Superintendent of Financial Services to make an Order under subsection 78(1) of the Act consenting to a payment out of **the Pension Plan for Jerry Taylor, Registration No. 1014190;**

TO: **1065868 Ontario Inc.**
603 Trelawny Private
Ottawa, ON K2C 3M9

Attention: Jerry Taylor
Plan Administrator
Applicant and Employer

NOTICE OF PROPOSAL

I PROPOSE TO MAKE AN ORDER under s. 78(1) of the Act, consenting to the payment, out of the Pension Plan for Jerry Taylor, Registration No.1014190 (the Plan), to **1065868 Ontario Inc.** in the amount of $79,325 plus adjustments for investment returns and expenses thereto.

I PROPOSE TO MAKE THIS ORDER FOR THE FOLLOWING REASONS :

1. 1065868 Ontario Inc. is the employer as defined in the Plan (the Employer)
2. The Plan was wound up, effective September 18, 2003
3. As at September 18, 2003 the surplus in the Plan was estimated at $79,325
4. The Plan provides for payment of surplus to the Employer on the wind up of the Plan
5. The application discloses that by written agreement made by the Employer, and the active member who is entitled to payments under the plan, the surplus in the Plan at the date of payment, after deduction of wind up expenses is to be distributed to the Employer
6. The Employer has applied, pursuant to section 78 of the Act, and clause 8(1)(b) of the Regulation, for consent of the Superintendent of Financial Services to the payment of 100% of the surplus in the Plan (after adding investment earnings and deducting the expenses related to the wind up of the Plan.)
7. The application appears to comply with section 78 and subsection 79(3) of the Act and with clause 8(1)(b) of the Regulation.
8. Such further and other reasons as come to my attention.

YOU ARE ENTITLED TO A HEARING by the Financial Services Tribunal (the Tribunal) pursuant to subsection 89(6) of the Act if, within thirty (30) days after this Notice of Proposal is served[1] on you, you deliver to the Tribunal a written notice that you require a hearing.

Your written notice requiring a hearing must be delivered to:

Financial Services Tribunal
5160 Yonge Street, 14th Floor
North York, ON M2N 6L9

Attention: The Registrar

IF YOU DO NOT DELIVER TO THE TRIBUNAL, WITHIN THIRTY (30) DAYS FROM THE DATE THIS NOTICE OF PROPOSAL IS SERVED ON YOU, A WRITTEN NOTICE THAT YOU REQUIRE A HEARING, I MAY MAKE THE ORDER PROPOSED HEREIN.

DATED at Toronto, Ontario, this 1st day of September, 2005.

K. David Gordon
Deputy Superintendent, Pensions

c.c.
Mr. William Johnston, Barrister & Solicitor
Mr. Allan J. Walton, Welton Parent Inc.

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[1] NOTE – PURSUANT to section 112 of the *Act* any notice, order or other document is sufficiently given, served, or delivered if delivered personally or sent by first class mail and any document sent by first class mail shall be deemed to be given, served, or delivered on the seventh day after mailing.

IN THE MATTER of the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the "Act");

AND IN THE MATTER of a Proposal of the Superintendent of Financial Services to make an Order under section 69 of the Act, respecting the **Pension Plan for the Employees of Community Christian Health Care Agency Hamilton Inc. (the "Plan") Registration Number 1081801;**

TO:
Daniel P. Tyrrell
Pension Officer
Mackenzie Financial Corporation
150 Bloor Street West,
Suite M111
Toronto, ON M5B 3B5
Administrator

AND TO:
D. Anthony McLean
President
Community Christian Health Care Agency Hamilton Inc.
1367 Upper James Street
Hamilton, ON L9B 1K2
Employer

NOTICE OF PROPOSAL TO MAKE AN ORDER

I PROPOSE TO MAKE AN ORDER under section 69 of the Act that the Plan be wound up effective **June 30, 2004** for the following reasons and such further reasons that may come to my attention:

1. There was a cessation or suspension of employer contributions to the pension fund.
2. The employer failed to make contributions to the pension fund as required by this Act
3. A significant number of members of the pension plan ceased to be employed by the employer as a result of the discontinuance of all or part of the business of the employer or as a result of the reorganization of the business of the employer.

YOU ARE ENTITLED TO A HEARING by the Financial Services Tribunal (the Tribunal) pursuant to section 89(6) of the Act, if, within thirty (30) days after the Notice of Proposal is served on you, you deliver to the Tribunal a written notice that you require a hearing[1]. **Any notice requiring a hearing shall be delivered to the:**

Financial Services Tribunal
5160 Yonge Street, 14th Floor
Toronto, ON M2N 6L9

Attention: The Registrar

FOR FURTHER INFORMATION, contact the Registrar of the Tribunal by phone at 416-226-7752, toll free at 1-800-668-0128, ext. 7752, or by fax at 416-226-7750.

IF YOU DO NOT DELIVER TO THE TRIBUNAL, WITHIN THIRTY (30) DAYS FROM THE DATE THIS NOTICE OF PROPOSAL IS SERVED ON YOU, A WRITTEN NOTICE THAT YOU REQUIRE A HEARING, I MAY MAKE THE ORDER PROPOSED HEREIN.

DATED at Toronto, Ontario, this 8th day of September, 2005.

K. David Gordon
Deputy Superintendent, Pensions

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IN THE MATTER of the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the "Act");

AND IN THE MATTER of a Proposal of the Superintendent of Financial Services to make an Order under section 69 of the Act, respecting the **Pension Plan for the Employees of the Graphicshoppe Limited (the "Plan") Registration Number 0695676;**

TO:
Deborah Thompson
London Life Insurance Company
255 Dufferin Avenue
London, ON N6A 4K1
Administrator

AND TO:
Cathy Shiers
Administrator
The Graphic Shoppe Limited
100 Carson Street
Toronto, ON M8W 3R9
Employer

AND TO:
Alan Shiner
Shiner Kideckel Sweig
10 West Pearce Street, Suite 4
Richmond Hill, ON L4B 1B6
Trustee in Bankruptcy

NOTICE OF PROPOSAL TO MAKE AN ORDER

I PROPOSE TO MAKE AN ORDER under section 69 of the Act that the Plan be wound up effective **January 31, 2003** for the following reasons and such further reasons that may come to my attention:

> The employer is bankrupt within the meaning of the *Bankruptcy and Insolvency Act*.

YOU ARE ENTITLED TO A HEARING by the Financial Services Tribunal (the Tribunal) pursuant to section 89(6) of the Act, if, within thirty (30) days after the Notice of Proposal is served on you, you deliver to the Tribunal a written notice that you require a hearing[1]. **Any notice requiring a hearing shall be delivered to the:**

Financial Services Tribunal
5160 Yonge Street, 14th Floor
Toronto, ON M2N 6L9

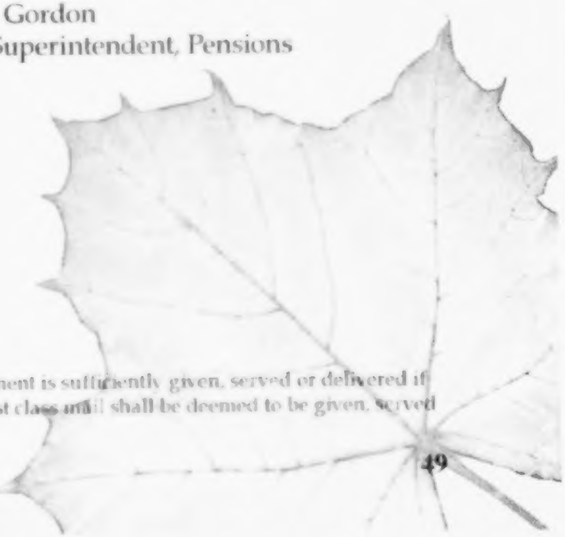
Attention: The Registrar

FOR FURTHER INFORMATION, contact the Registrar of the Tribunal by phone at 416-226-7752, toll free at 1-800-668-0128, ext. 7752, or by fax at 416-226-7750.

IF YOU DO NOT DELIVER TO THE TRIBUNAL, WITHIN THIRTY (30) DAYS FROM THE DATE THIS NOTICE OF PROPOSAL IS SERVED ON YOU, A WRITTEN NOTICE THAT YOU REQUIRE A HEARING, I MAY MAKE THE ORDER PROPOSED HEREIN.

DATED at Toronto, Ontario, this 15th day of September, 2005.

K. David Gordon
Deputy Superintendent, Pensions



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IN THE MATTER of the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the "Act");

AND IN THE MATTER of a Proposal of the Superintendent of Financial Services to make an Order under section 69 of the Act, respecting the **Pension Plan for the Employees of Arpeco Engineering Limited (the "Plan") Registration Number 968537;**

TO: Deborah Thompson
Wind-Up Specialist
London Life
Assurance Company
255 Dufferin Avenue
London, ON N6A 4K1
Administrator

AND TO: Kathy Reid
Administrator
Arpeco Engineering Limited
7095 Ordan Drive
Mississauga, ON L5T 1K6
Employer

AND TO: Gus Tertigas
Richter & Partners Inc.
200 King Street West, Suite 1900
P.O. Box 48
Toronto, ON M5H 3T4
Receiver

NOTICE OF PROPOSAL TO MAKE AN ORDER

I PROPOSE TO MAKE AN ORDER under section 69 of the Act that the Plan be wound up effective **February 23, 2003** for the following reasons and such further reasons that may come to my attention:

1. There was a cessation or suspension of employer contributions to the pension fund.
2. The employer failed to make contributions to the pension fund as required by this Act.
3. The employer is bankrupt within the meaning of the *Bankruptcy and Insolvency Act*.

YOU ARE ENTITLED TO A HEARING by the Financial Services Tribunal (the Tribunal) pursuant to section 89(6) of the Act, if, within thirty (30) days after the Notice of Proposal is served on you, you deliver to the Tribunal a written notice that you require a hearing[1]. **Any notice requiring a hearing shall be delivered to the:**

Financial Services Tribunal
5160 Yonge Street, 14th Floor
Toronto, ON M2N 6L9

Attention: The Registrar

FOR FURTHER INFORMATION, contact the Registrar of the Tribunal by phone at 416-226-7752, toll free at 1-800-668-0128, ext. 7752, or by fax at 416-226-7750.

IF YOU DO NOT DELIVER TO THE TRIBUNAL, WITHIN THIRTY (30) DAYS FROM THE DATE THIS NOTICE OF PROPOSAL IS SERVED ON YOU, A WRITTEN NOTICE THAT YOU REQUIRE A HEARING, I MAY MAKE THE ORDER PROPOSED HEREIN.

DATED at Toronto, Ontario, this 15th day of September, 2005.

K. David Gordon
Deputy Superintendent, Pensions

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[1] NOTE - Pursuant to section 112 of the *Act* any Notice, Order or other document is sufficiently given, served or delivered if delivered personally or sent by first class mail and any document sent by first class mail shall be deemed to be given, served or delivered on the seventh day after the date of mailing.

IN THE MATTER OF the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the "Act");

AND IN THE MATTER OF a Proposal by the Superintendent of Financial Services to make an Order under subsection 78(1) of the Act consenting to a payment out of the Pension Plan for **Employees of Advanced Lighting Technologies, Canada Inc., Registration No. 483206;**

TO: **Advanced Lighting Technologies, Canada Inc.**
10 Chandler Road
Amherst, NS B4H 4S9

Attention: R.G. Douglas Oulton
Vice President Finance & Administration
Applicant and Employer

NOTICE OF PROPOSAL

I PROPOSE TO MAKE AN ORDER under s. 78(1) of the Act, consenting to the payment, out of the Pension Plan for Employees of Advanced Lighting Technologies, Canada Inc., Registration No.483206 (the "Plan"), to **Advanced Lighting Technologies, Canada Inc.** in the amount of $57,977.76 as of September 30, 2004 adjusted for investment earnings thereon to the date of payment.

I PROPOSE TO MAKE THE ORDER effective only after the Applicant satisfies me that all benefits pursuant to the Surplus Distribution Agreement set out in paragraph #5 below and any other payments to which the members, former members, and any other persons entitled to such payments have been paid, purchased, or otherwise provided for.

I PROPOSE TO MAKE THIS ORDER FOR THE FOLLOWING REASONS :

1. Advanced Lighting Technologies, Canada Inc. is the employer as defined in the Plan (the Employer).
2. The Plan was wound up, effective March 31, 1999.
3. As at March 31, 1999 the surplus in the Plan was estimated at $191,870.31.
4. The Plan provides for payment of surplus to the Employer on the wind up of the Plan
5. The application discloses that by written agreement made by the Employer, and 81.8% of the active members and 66.7% of the former members and other persons who are entitled to payments under the plan, the surplus in the Plan at the date of payment is to be distributed:
   a) 27.99% to the Employer; and
   b) 72.01% to the beneficiaries of the Plan as defined in the Surplus Distribution Agreement.
6. The Employer has applied, pursuant to section 78 of the Act, and clause 8(1)(b) of the Regulation, for consent of the Superintendent of Financial Services to the payment of 27.99% of the surplus in the Plan (after adding 27.99% of investment earnings).
7. The application appears to comply with section 78 and subsection 79(3) of the Act and with clause 8(1)(b) and subsections 28(5), 28(5.1) and 28(6) of the Regulation.
8. Such further and other reasons as come to my attention.

YOU ARE ENTITLED TO A HEARING by the Financial Services Tribunal (the Tribunal) pursuant to subsection 89(6) of the Act if, within thirty (30) days after this Notice of Proposal is served[1] on you, you deliver to the

Tribunal a written notice that you require a hearing.

Your written notice requiring a hearing must be delivered to:

Financial Services Tribunal
5160 Yonge Street, 14th Floor
Toronto ON M2N 6L9

Attention: The Registrar

IF YOU DO NOT DELIVER TO THE TRIBUNAL, WITHIN THIRTY (30) DAYS FROM THE DATE THIS NOTICE OF PROPOSAL IS SERVED ON YOU, A WRITTEN NOTICE THAT YOU REQUIRE A HEARING, I MAY MAKE THE ORDER PROPOSED HEREIN.

DATED at Toronto, Ontario, this 16th day of September, 2005.

K. David Gordon
Deputy Superintendent, Pensions

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IN THE MATTER of the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the "Act");

AND IN THE MATTER of a Proposal of the Superintendent of Financial Services to make an Order under section 69 of the Act, respecting the **Pension Plan for the Employees of Baker Gurney & McLaren Press Ltd. (the "Plan") Registration Number 0971374;**

TO:
Melissa Lambert
Plan Design Specialist
Manulife Financial
P.O. Box 396
Delivery Station KC6
Waterloo, ON N2J 4A9
Administrator

AND TO:
Anthony Hyland
C.F.O.
Baker Gurney & McLaren Press Ltd.
800 Cochrane Drive
Markham, ON L3R 8C9
Employer

AND TO:
Phyllis Gray
Sayers Buckworth Gray Inc.
15260 Yonge Street, Suite 203A
Aurora, ON L4G 1N4
Receiver

NOTICE OF PROPOSAL TO MAKE AN ORDER

I PROPOSE TO MAKE AN ORDER under section 69 of the Act that the Plan be wound up effective December 31, 2003 for the following reasons and such further reasons that may come to my attention:

The employer is bankrupt within the meaning of the *Bankruptcy and Insolvency Act*.

YOU ARE ENTITLED TO A HEARING by the Financial Services Tribunal (the Tribunal) pursuant to section 89(6) of the Act, if, within thirty (30) days after the Notice of Proposal is served on you, you deliver to the Tribunal a written notice that you require a hearing[1]. **Any notice requiring a hearing shall be delivered to the:**

Financial Services Tribunal
5160 Yonge Street, 14th Floor
Toronto, Ontario
M2N 6L9

Attention: The Registrar

FOR FURTHER INFORMATION, contact the Registrar of the Tribunal by phone at 416-226-7752, toll free at 1-800-668-0128, ext. 7752, or by fax at 416-226-7750.

IF YOU DO NOT DELIVER TO THE TRIBUNAL, WITHIN THIRTY (30) DAYS FROM THE DATE THIS NOTICE OF PROPOSAL IS SERVED ON YOU, A WRITTEN NOTICE THAT YOU REQUIRE A HEARING, I MAY MAKE THE ORDER PROPOSED HEREIN.

DATED at Toronto, Ontario, this 28th day of September, 2005.

K. David Gordon
Deputy Superintendent, Pensions

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Notices of Proposal to Make a Declaration

IN THE MATTER OF the *Pension Benefits* Act, R.S.O. 1990, c. P.8, as amended by the *Financial Services Commission of Ontario Act*, 1997, R.S.O. 1997, c. 28; (the "Act");

AND IN THE MATTER OF a Proposal of the Superintendent of Financial Services to Make a Declaration under section 83 of the Act relating to the **Oxford Automotive Canada Ltd. Pension Plan for Salaried Employees Located in Chatham and Wallaceburg, Ontario. Registration Number 1063023;**

TO:
Tony Karkheck
Senior Vice-president
PricewaterhouseCoopers Inc.
1 Robert Speck Parkway,
Suite 1100
Mississauga, ON L4Z 3M3
Administrator

AND TO:
Ms. Shelley McIntyre
Manager, Compensation & Benefits (Canada)
Oxford Automotive Canada Ltd.
100 Mason Street
Wallaceburg, ON N8A 2L3
Employer

AND TO:
Ms. Rachel Pollock
Manager
Ernst & Young Inc.
222 Bay Street, PO Box 251
Toronto, ON M5K 1J7
Trustee in Bankruptcy

NOTICE OF PROPOSAL TO MAKE A DECLARATION

WHEREAS:

1. The Oxford Automotive Canada Ltd. Pension Plan for Salaried Employees Located in Chatham and Wallaceburg, Ontario. Registration Number 1063023 (the "Plan"), is registered under the Act as Registration Number 1063023; and
2. The Plan provides defined benefits that are not exempt from the application of the Pension Benefits Guarantee Fund (the "Guarantee Fund") by the Act or the regulations made thereunder; and
3. On September 2, 2004 the employer assigned itself into voluntary bankruptcy; and
4. The Superintendent of Financial Services appointed Pricewaterhouse Coopers Inc. administrator of the Plan on October 12, 2004; and
5. On December 22, 2004 Pricewaterhouse Coopers Inc applied to the Superintendent of Financial Services for an Order that the Plan be wound up effective February 28, 2003 through March 1, 2004; and
6. On December 23, 2004 the administrator also filed an application for a Declaration that the Guarantee Fund applies to the Plan; and
7. The application for a Declaration includes an actuarial statement which indicates a deficiency in the Plan as at March 1, 2004 that would lead to a claim against the Guarantee Fund at that date of $2,341,993; and
8. The administrator has also filed an application for an interim allocation of the Guarantee Fund in the amount of

$3,030,440 determined as of September 30, 2004 based upon the actuarial evaluation referred to in 6. above; and

9. The administrator has been advised by the trustee in bankruptcy that there are unlikely to be any funds available for the Plan from the estate of the employer;

NOW THEREFORE TAKE NOTICE I PROPOSE TO CONSIDER MAKING A DECLARATION in respect of the Plan under section 83 of the Act that the Guarantee Fund applies to the Plan for the following reasons.

REASONS FOR THE PROPOSED DECLARATION:

1. There is a potential claim of $3,030,440 against the Guarantee Fund based on the administrator's preliminary evaluation of the Plan as at September 30, 2004.
2. The employer, Oxford Automotive Canada Ltd., is bankrupt.
3. The administrator has been advised by the trustee in bankruptcy that there are unlikely to be any funds available for the Plan from the estate of the employer;
4. There are reasonable and probable grounds for concluding that the funding requirements of the Act and regulation cannot be satisfied.
5. If funds become available for the Plan from the Estate of Oxford Automotive Canada Ltd., the administrator will be required to make an appropriate refund of any allocation amounts received from the Guarantee Fund that are not needed for the Plan.
6. Such further reasons as may come to my attention.

YOU are entitled to a hearing by the Financial Services Tribunal (the "Tribunal") pursuant to subsection 89(6) of the Act, if, within thirty (30) days after this Notice of Proposal is served on you, you deliver to the Tribunal a written notice that you require a hearing[1]. Any notice requiring a hearing shall be delivered to:

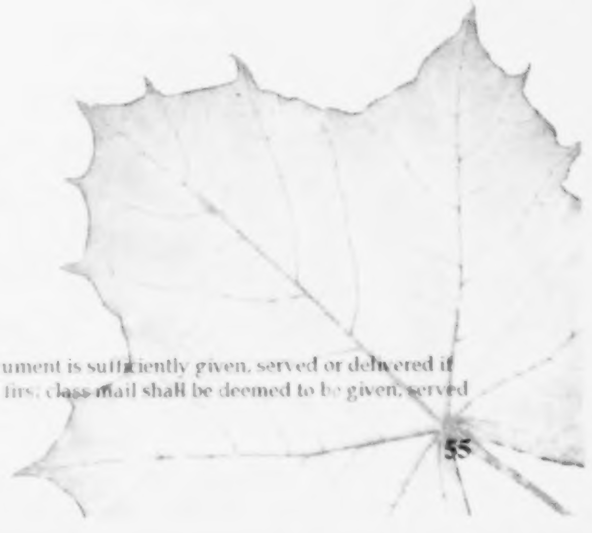
Financial Services Tribunal
5160 Yonge Street, 14th Floor
North York, ON M2N 6L9

Attention: The Registrar

IF YOU DO NOT DELIVER TO THE TRIBUNAL, WITHIN THIRTY (30) DAYS FROM THE DATE THIS NOTICE OF PROPOSAL IS SERVED ON YOU, A WRITTEN NOTICE THAT YOU REQUIRE A HEARING, I MAY MAKE THE DECLARATION PROPOSED HEREIN.

DATED at North York, Ontario this 11th day of May, 2005.

K. David Gordon
Deputy Superintendent, Pensions.



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IN THE MATTER OF the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended by the *Financial Services Commission of Ontario Act, 1997*, R.S.O. 1997, c. 28; (the "Act");

AND IN THE MATTER OF a Proposal of the Superintendent of Financial Services to Make a Declaration under section 83 of the *Act* relating to the **Oxford Automotive Canada Ltd. Pension Plan for Hourly Employees Located at the Wallaceburg Plant, Registration Number 364356;**

TO:
Tony Karkheck
Senior Vice-president
PricewaterhouseCoopers Inc.
1 Robert Speck Parkway,
Suite 1100
Mississauga, ON L4Z 3M3
Administrator

AND TO:
Ms. Shelley McIntyre
Manager, Compensation &
Benefits (Canada)
Oxford Automotive Canada Ltd.
100 Mason Street
Wallaceburg, ON N8A 2L3
Employer

AND TO:
Ms. Rachel Pollock
Manager
Ernst & Young Inc.
222 Bay Street, PO Box 251
Toronto, ON M5K 1J7
Trustee in Bankruptcy

AND TO:
Mr. Bill Pollock
President
United Auto Workers Union,
Local 251
88 Elm Drive South
Wallaceburg, ON N8A 5E7
Union representative for the members of the Plan

NOTICE OF PROPOSAL TO MAKE A DECLARATION

WHEREAS:

1. The Oxford Automotive Canada Ltd. Pension Plan for Hourly Employees Located at the Wallaceburg Plant, (the "Plan"), is registered under the Act as Registration Number 364356; and
2. The Plan provides defined benefits that are not exempt from the application of the Pension Benefits Guarantee Fund (the "Guarantee Fund") by the Act or the regulations made thereunder; and
3. On September 2, 2004 the employer assigned itself into voluntary bankruptcy; and
4. The Superintendent of Financial Services appointed Pricewaterhouse Coopers Inc. administrator of the Plan on October 12, 2004; and
5. On December 22, 2004 Pricewaterhouse Coopers Inc applied to the Superintendent of Financial Services for an Order that the Plan be wound up effective December 5, 2003 through March 1, 2004; and
6. On December 23, 2004 the administrator also filed an application for a Declaration that the Guarantee Fund applies to the Plan; and
7. The application for a Declaration includes an actuarial statement which indicates a deficiency in the Plan as at March 1, 2004 that would lead to a claim against the Guarantee Fund at that date of $7,317,480; and
8. The administrator has also filed an application for an interim allocation of the Guarantee Fund of $9,048,154 determined as of September 30, 2004 based upon the actuarial evaluation referred to in 6. above; and

9. The administrator has been advised by the trustee in bankruptcy that there is unlikely to be any funds available for the Plan from the estate of the employer;

NOW THEREFORE TAKE NOTICE I PROPOSE TO CONSIDER MAKING A DECLARATION in respect of the Plan under section 83 of the Act that the Guarantee Fund applies to the Plan for the following reasons.

REASONS FOR THE PROPOSED DECLARATION:

1. There is a potential claim of $9,048,154 against the Guarantee Fund based on the administrator's evaluation of the Plan as at September 30, 2004.
2. The employer, Oxford Automotive Canada Ltd., is bankrupt.
3. The administrator has been advised by the trustee in bankruptcy that there are unlikely to be any funds available for the Plan from the estate of the employer;
4. There are reasonable and probable grounds for concluding that the funding requirements of the Act and regulation cannot be satisfied.
5. If funds become available for the Plan from the Estate of Oxford Automotive Canada Ltd., the administrator will be required to make an appropriate refund of any allocation amounts received by the Plan from the Guarantee Fund that are not needed for the Plan.
6. Such further reasons as may come to my attention.

YOU are entitled to a hearing by the Financial Services Tribunal (the "Tribunal") pursuant to subsection 89(6) of the Act, if, within thirty (30) days after this Notice of Proposal is served on you, you deliver to the Tribunal a written notice that you require a hearing[1]. Any notice requiring a hearing shall be delivered to:

Financial Services Tribunal
5160 Yonge Street, 14th Floor
North York, ON M2N 6L9

Attention: The Registrar

IF YOU DO NOT DELIVER TO THE TRIBUNAL, WITHIN THIRTY (30) DAYS FROM THE DATE THIS NOTICE OF PROPOSAL IS SERVED ON YOU, A WRITTEN NOTICE THAT YOU REQUIRE A HEARING, I MAY MAKE THE DECLARATION PROPOSED HEREIN.

DATED at North York, Ontario this 11th day of May, 2005.

K. David Gordon
Deputy Superintendent, Pensions.

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[1] NOTE- Pursuant to section 112 of the *Act*, any Notice, Order or other document is sufficiently given, served or delivered if delivered personally or sent by first class mail and any documents sent by first class mail shall be deemed to be given, served or delivered on the seventh day after the day of mailing.

IN THE MATTER OF the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended by the *Financial Services Commission of Ontario Act, 1997*, R.S.O. 1997, c. 28; (the "Act");

AND IN THE MATTER OF a Proposal of the Superintendent of Financial Services to Make a Declaration under section 83 of the Act relating to the **Oxford Automotive Canada Ltd. Pension Plan for Union Employees Located at the Cambridge Plant, Registration Number 996926;**

TO: Tony Karkheck
Senior Vice-President
PricewaterhouseCoopers Inc.
1 Robert Speck Parkway,
Suite 1100
Mississauga, ON L4Z 3M3
Administrator

AND TO: Ms. Shelley McIntyre
Manager, Compensation & Benefits (Canada)
Oxford Automotive Canada Ltd.
100 Mason Street
Wallaceburg, ON N8A 2L3
Employer

AND TO: Ms. Rachel Pollock
Manager
Ernst & Young Inc.
222 Bay Street, PO Box 251
Toronto, ON M5K 1J7
Trustee in Bankruptcy

AND TO: Mr. Sym Gill
National Director of Pensions
Canadian Auto Workers Union, Local 1986
205 Placer Court
Toronto, ON M2H 3H9
Union representative for the members of the Plan

NOTICE OF PROPOSAL TO MAKE A DECLARATION

WHEREAS:

1. The Oxford Automotive Canada Ltd. Pension Plan for Union Employees Located at the Cambridge Plant, (the "Plan"), is registered under the Act as Registration Number 996926; and
2. The Plan provides defined benefits that are not exempt from the application of the Pension Benefits Guarantee Fund (the "Guarantee Fund") by the Act or the regulations made thereunder; and
3. On September 2, 2004 the employer assigned itself into voluntary bankruptcy; and
4. The Superintendent of Financial Services appointed Pricewaterhouse Coopers Inc. administrator of the Plan on October 12, 2004; and
5. On December 22, 2004 Pricewaterhouse Coopers Inc applied to the Superintendent of Financial Services for an Order that the Plan be wound up effective October 11, 2000 through September 30, 2002; and
6. On December 23, 2004 the administrator filed an application for a Declaration that the Guarantee Fund applies to the Plan; and
7. A preliminary actuarial valuation of the Plan at the wind up date accompanying the application described in 6. above,

discloses a claim against the Guarantee Fund of $7,083,002; and

8. The administrator has also filed an application for an interim allocation of the Guarantee Fund of $5,770,738 determined as of September 30, 2004; and
9. The administrator has been advised by the trustee in bankruptcy that there are unlikely to be any funds available for the Plan from the bankrupt estate of the employer;

NOW THEREFORE TAKE NOTICE I PROPOSE TO CONSIDER MAKING A DECLARATION in respect of the Plan under section 83 of the Act that the Guarantee Fund applies to the Plan for the following reasons.

REASONS FOR THE PROPOSED DECLARATION:

1. There is a potential claim of $5,770,738 against the Guarantee Fund based on the administrator's evaluation of the Plan as at September 30, 2004.
2. The employer, Oxford Automotive Canada Ltd., is bankrupt.
3. The administrator has been advised by the trustee in bankruptcy that there are unlikely to be any funds available for the Plan from the estate of the employer;
4. There are reasonable and probable grounds for concluding that the funding requirements of the Act and regulation cannot be satisfied.
5. If funds become available for the Plan from the estate of Oxford Automotive Canada Ltd., the administrator will be required to make an appropriate refund of any allocation amounts received from the Guarantee Fund that are not needed for the Plan.
6. Such further reasons as may come to my attention.

YOU are entitled to a hearing by the Financial Services Tribunal (the "Tribunal") pursuant to subsection 89(6) of the Act, if, within thirty (30) days after this Notice of Proposal is served on you, you deliver to the Tribunal a written notice that you require a hearing[1]. Any notice requiring a hearing shall be delivered to:

Financial Services Tribunal
5160 Yonge Street, 14th Floor
North York ON M2N 6L9

Attention: The Registrar

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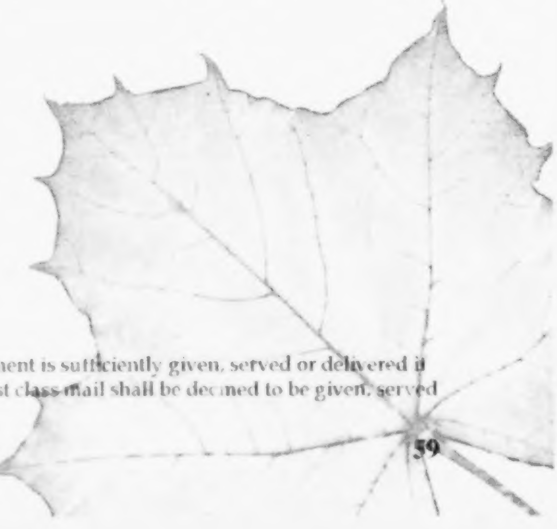
DATED at North York, Ontario this 11th day of May, 2005.

K. David Gordon
Deputy Superintendent, Pensions



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IN THE MATTER of the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the "Act");

AND IN THE MATTER of a Proposal of the Superintendent of Financial Services to make an Order under section 83 of the Act, respecting the **Retirement Plan for Hourly Employees of Imperial Home Decor Group Canada ULC, Registration Number 596254;**

TO: Debbie Gallagher
Consultant
Morneau Sobeco
895 Don Mills Road, Suite 700
One Morneau Sobeco Centre
Toronto, ON M3C 1W3
Administrator

AND TO: Tracy Kooser
Vice-President Human Resources
Imperial Home Decor Group Canada ULC
23645 Mercantile Road
Cleveland, OH 44122
U. S. A.
Employer

AND TO: Yves Vincent, CA
Richter & Associates Inc.
2 Place Alexis Nihon
Suite 2200
Montreal (Quebec) H3Z 3C2
Trustee in Bankruptcy

AND TO: Robert Smart
Communications, Energy and Paperworkers Union, Local 304
5915 Airport Road
Suite 510
Mississauga ON L4V 1T1
Union Representative

NOTICE OF PROPOSAL TO MAKE A DECLARATION

I PROPOSE TO MAKE A DECLARATION under section 83 of the Act that the Pension Benefits Guarantee Fund (Guarantee Fund) applies to the Plan for the following reasons:

1. The Plan is registered under the Act, and
2. The Plan provides defined benefits that are not exempt from the application of the Guarantee Fund by the Act or the regulations made thereunder, and
3. The plan was wound up effective **June 30, 2001;** and
4. There are reasonable and probable grounds that the funding requirements of the Act and regulations cannot be satisfied. Based on the latest actuarial certification, the administrator has estimated the deficit in the plan at the wind up date to be **$2,117,532 with a projected value of $4,051,350 at June 30, 2003**. If funds become available from the estate of the employer, the administrator will be required to make an appropriate refund of any allocation amount received by the Plan from the Guarantee Fund.

YOU ARE ENTITLED TO A HEARING by the Financial Services Tribunal (the "Tribunal") pursuant to section 89(6) of the Act, if, within thirty (30) days after the Notice of Proposal is served on you, you deliver to the Tribunal a written notice that you require a hearing[1]. **Any notice requiring a hearing shall be delivered to the:**

Financial Services Tribunal
5160 Yonge Street, 14th Floor
Toronto, ON M2N 6L9

Attention: The Registrar

FOR FURTHER INFORMATION, contact the Registrar of the Tribunal by phone at 416-226 7752, toll free at 1-800-668-0128, ext. 7752, or by fax at 416-226-7750.

IF YOU DO NOT DELIVER TO THE TRIBUNAL, WITHIN THIRTY (30) DAYS FROM THE DATE THIS NOTICE OF PROPOSAL IS SERVED ON YOU, A WRITTEN NOTICE THAT YOU REQUIRE A HEARING, I MAY MAKE THE ORDER PROPOSED HEREIN.

DATED at Toronto, Ontario, this 18th day of May, 2005.

K. David Gordon
Deputy Superintendent, Pensions

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IN THE MATTER of the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the "Act");

AND IN THE MATTER of a Proposal of the Superintendent of Financial Services to make a Declaration under section 83 of the Act, respecting the **Pension Plan for Hourly-Rated Employees of Dunlop (Canada) Inc. who are Members of Local 974 (USWA) (the "Plan") Registration Number 0375048;**

TO:

Sharon Carew
Director
PricewaterhouseCoopers Inc.
Mississauga Executive Centre
One Robert Speck Parkway
Suite 1100
Mississauga, ON L4Z 3M3
Administrator

AND TO:

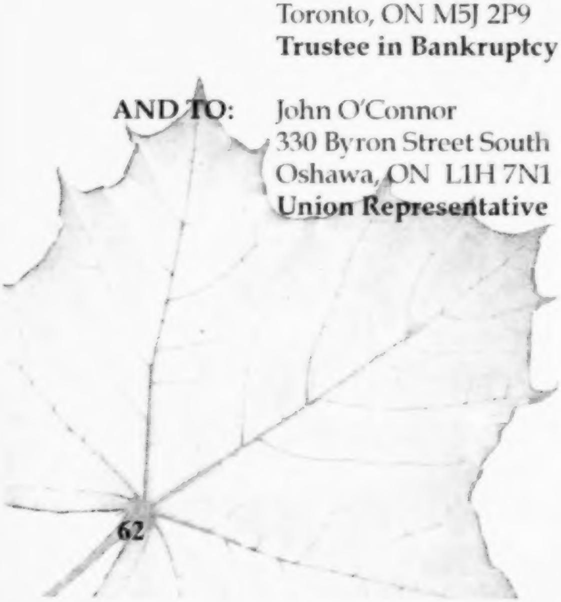
Dunlop (Canada) Inc.
330 Byron Street South
Whitby, ON L1N 4P8
Employer

AND TO:

Jake Weibe
Grant Thornton Limited
P.O. Box 55, Royal Bank Plaza
19th Floor, South Tower
Toronto, ON M5J 2P9
Trustee in Bankruptcy

AND TO:

John O'Connor
330 Byron Street South
Oshawa, ON L1H 7N1
Union Representative



NOTICE OF PROPOSAL TO MAKE A DECLARATION

I PROPOSE TO MAKE A DECLARATION under section 83 of the Act that the Pension Benefits Guarantee Fund applies to the Plan for the following reasons and such further reasons that may come to my attention:

1. The Plan is registered under the Act, and
2. The Plan provides defined benefits that are not exempt from the application of the Pension Benefits Guarantee Fund by the Act or the regulations made thereunder, and
3. The Deputy Superintendent has issued a Notice of Proposal to wind up the Plan effective between **October 22, 2004 and October 29, 2004,** and
4. There are reasonable and probable grounds that the funding requirements of the Act and regulations cannot be satisfied. Based on the latest actuarial certification, there is an estimated claim against the Pension Benefits Guarantee Fund of **$383,100** as at February 28, 2005. If funds become available from the estate of the employer, the administrator will be required to make an appropriated refund of any allocation amount received by the Plan from the Pension Benefits Guarantee Fund.

YOU ARE ENTITLED TO A HEARING by the Financial Services Tribunal (the Tribunal) pursuant to section 89(6) of the Act, if, within thirty (30) days after the Notice of Proposal is served on you, you deliver to the Tribunal a written notice that you require a hearing[1]. **Any notice requiring a hearing shall be delivered to the:**

Financial Services Tribunal
5160 Yonge Street, 14th Floor
Toronto, ON M2N 6L9

Attention: The Registrar

FOR FURTHER INFORMATION, contact the Registrar of the Tribunal by phone at 416-226-7752, toll free at 1-800-668-0128, ext. 7752, or by fax at 416-226-7750.

IF YOU DO NOT DELIVER TO THE TRIBUNAL, WITHIN THIRTY (30) DAYS FROM THE DATE THIS NOTICE OF PROPOSAL IS SERVED ON YOU, A WRITTEN NOTICE THAT YOU REQUIRE A HEARING, I MAY MAKE THE ORDER PROPOSED HEREIN.

DATED at Toronto, Ontario, this 14th day of July 2005.

K. David Gordon
Deputy Superintendent, Pensions

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IN THE MATTER of the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the "Act");

AND IN THE MATTER of a Proposal of the Superintendent of Financial Services to make a Declaration under section 83 of the Act, respecting the **Pension Plan for Employees of Procast Foundries Inc. (the "Plan") Registration Number 586073;**

TO:
Marian McKillop
Practice Leader, DB Plans
Corporate Benefit Analysts, Inc.
640 Riverbend Drive
Kitchener, ON N2K 3S2
Administrator

AND TO:
Steve Sample
President & General Manager
Procast Foundries Inc.
19 Church St. E.
Elmira, ON N3B 2K9
Employer

AND TO:
John Readman
Trustee in Bankruptcy
KPMG Inc.
Marsland Centre
20 Erb St. W.
Waterloo, ON N2L 1T2
Trustee in Bankruptcy

AND TO:
David Doyle
International Vice-President,
Local #445
Glass, Molders, Pottery, Plastics & Allied Workers International Union
9 Baptiste Street
Trenton, ON K8V 1V4
Union Representative

NOTICE OF PROPOSAL TO MAKE A DECLARATION

I PROPOSE TO MAKE A DECLARATION under section 83 of the Act that the Pension Benefits Guarantee Fund applies to the Plan for the following reasons and such further reasons that may come to my attention:

1. The Plan is registered under the Act, and
2. The Plan provides defined benefits that are not exempt from the application of the Pension Benefits Guarantee Fund by the Act or the regulations made thereunder, and
3. The plan was wound up effective September 30, 2000, and
4. There are reasonable and probable grounds that the funding requirements of the Act and regulations cannot be satisfied. The administrator has estimated the deficit in the plan at the wind up date to be $50,354. Based on the latest actuarial certification, there is an estimated claim against the Pension Benefits Guarantee Fund of $72,539. If funds become available from the estate of the employer, the administrator will be required to make an appropriated refund of any allocation amount received by the Plan from the Pension Benefits Guarantee Fund.

YOU ARE ENTITLED TO A HEARING by the Financial Services Tribunal (the Tribunal) pursuant to section 89(6) of the Act, if, within thirty (30) days after the Notice of Proposal is served on you, you deliver to the Tribunal a written notice that you require a hearing[1]. **Any notice requiring a hearing shall be delivered to the:**

Financial Services Tribunal
5160 Yonge Street, 14th Floor
Toronto, ON M2N 6L9

Attention: The Registrar

FOR FURTHER INFORMATION, contact the Registrar of the Tribunal by phone at 416-226-7752, toll free at 1-800-668-0128, ext. 7752, or by fax at 416-226-7750.

IF YOU DO NOT DELIVER TO THE TRIBUNAL, WITHIN THIRTY (30) DAYS FROM THE DATE THIS NOTICE OF PROPOSAL IS SERVED ON YOU, A WRITTEN NOTICE THAT YOU REQUIRE A HEARING, I MAY MAKE THE ORDER PROPOSED HEREIN.

DATED at Toronto, Ontario, this 26th day of September, 2005.

K. David Gordon
Deputy Superintendent, Pensions

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Notices of Proposal to Refuse to Make an Order

IN THE MATTER OF the *Pension Benefits Act*, R.S.O. 1990, c..P.8, as amended (the "Act");

AND IN THE MATTER OF a request made by Donna Capaldi, beneficiary of Tony (Antonio) Capaldi, to the Superintendent of Financial Services for an order compelling the payment of certain benefits from the **Retirement Income Plan for Union Employees of Dominion Stores Limited (1979), Registration No. 0005188 (the "Plan");**

TO: **Donna Capaldi**
Beneficiary of Tony (Antonio) Capaldi
5 Peer Drive
Guelph, ON N1C 1G9
Applicant

AND TO: **Domgroup Ltd.**
10 Toronto Street
Toronto, ON M5C 2B7

Attention: Marianne Petkovic
Pensions & Benefits
Employer and Administrator of the Plan

NOTICE OF PROPOSAL

I PROPOSE TO REFUSE TO MAKE AN ORDER under sections 42(5), 42(11), and 87(2)(c) of the Act, compelling the administrator of the Plan to pay certain pension benefits to Donna Capaldi, beneficiary of Tony (Antonio) Capaldi, a former member of the Plan (the "Applicant").

REASONS FOR THE REFUSAL:

1. Tony (Antonio) Capaldi ("Mr. Capaldi") is a former member of the Plan.
2. On or about November 8, 1989, Mr. Capaldi signed an election to have the locked in and non-locked-in portions of his pension entitlement under the Plan transferred from the Plan to his Registered Retirement Savings Plan with National Trust (now Scotiabank) (the "RRSP").
3. The locked-in portion of Mr. Capaldi's pension entitlement under the Plan as at November 8, 1989 totalled the sum of $4,236.40. The non-locked-in portion of Mr. Capaldi's pension entitlement under the Plan as at November 8, 1989 totalled the sum of $1,412.13.
4. Mr. Capaldi claims that the locked-in portion of his pension entitlement under the Plan - $4,236.40 as at November 8, 1989 - was never transferred to the RRSP.
5. Domgroup Ltd. has produced or caused to produce the following proof that the locked-in portion of Mr. Capaldi's pension entitlement under the Plan was in fact transferred to the RRSP:
    a) confirmation from Industrial Alliance (the Plan custodian) that a cheque numbered 4691080 dated November 30, 1989 in the amount of $5,979.38 was cashed on December 13, 1989;
    b) a handwritten list from Industrial Alliance showing transaction number 91, Tony Capaldi, November 30, 1989, number 4691080, $5,979.38;
    c) a list of cash payments from Industrial Alliance showing a cash entitlement of $5,648.53 as at May 3, 1989, and an amount paid of $5,979.38 on the same line as "T. Capaldi", and the number 91;

   d) a list of cheques issued by Industrial Alliance showing a payment of $5,979.38 on November 13, 1989, transaction number 4691080.

6. The Applicant has produced a letter from Scotiabank which states that "it appears that National Trust did not receive a pension payment in the amount of $4236.40 in 1989 for Mr. Capaldi" and a second letter from Scotiabank which states that in November 1999 Scotiabank transferred Mr. Capaldi's RRSP to Asante Financial and that "the amount that was transferred at that time was $1,412.31."
7. Due to the passage of time, no one has been able to produce a cancelled cheque.
8. Section 42(1)(b) of the Act states that a former member of a pension plan who terminates employment or ceases to be a member of the plan and who is entitled to a deferred pension, is entitled to require the administrator to pay an amount equal to the commuted value of the deferred pension into a prescribed retirement savings arrangement.
9. Section 42(5) of the Act further states that the administrator shall comply with the former member's direction for transfer of funds within the prescribed period of time after the member has delivered the direction.
10. Section 42(11) of the Act states: 42(11) The administrator is discharged on making the payment or transfer in accordance with the direction of the former member if the payment or transfer complies with this Act and the regulations.
11. Given the passage of time, Domgroup Ltd. has produced the best evidence possible that the full payment of $5,979.38 was in fact made pursuant to Mr. Capaldi's direction.
12. Section 87(2)(c) of the Act states that the Superintendent may require any person to take any action in respect of a pension plan or pension fund if the Superintendent is of the opinion, upon reasonable and probable grounds, that the administrator of the pension plan, the employer, or the other person is contravening a requirement of the Act and the regulations.
13. The Applicant has not sufficiently demonstrated that Domgroup Ltd. did not comply with section 42(5) of the Act.
14. Such further and other reasons as may come to my attention.

YOU ARE ENTITLED TO A HEARING by the Financial Services Tribunal (the "Tribunal") pursuant to section 89(6) of the Act. To request a hearing, you must deliver to the Tribunal a written notice that you require a hearing, within thirty (30) days after this Notice of Proposal is served on you[1].

YOUR WRITTEN NOTICE must be delivered to:

Financial Services Tribunal
5160 Yonge Street, 14th Floor
Toronto, ON M2N 6L9

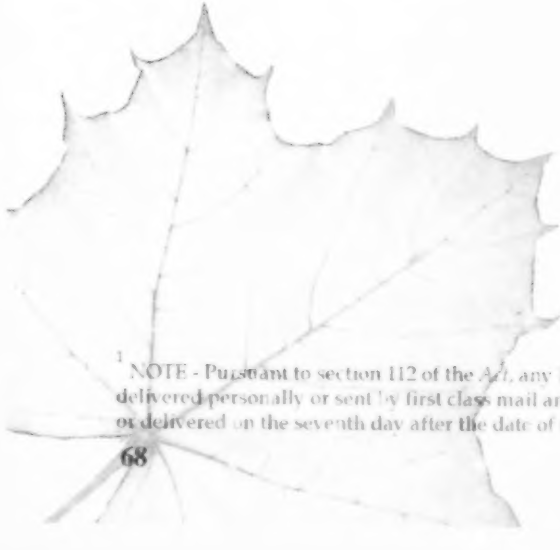
Attention: The Registrar

FOR FURTHER INFORMATION, contact the Registrar of the Tribunal by phone at (416) 226-7752, toll free at 1-800-668-0128, ext. 7752, or by fax at (416) 226-7750.

IF YOU FAIL TO REQUEST A HEARING WITHIN THIRTY (30) DAYS, I MAY REFUSE TO APPROVE THE REPORT AND ORDER A NEW REPORT, AS PROPOSED IN THIS NOTICE.

DATED at North York, Ontario, this 10th day of May, 2005.

K. David Gordon
Deputy Superintendent, Pension Division
By Delegated Authority



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IN THE MATTER OF the *Pension Benefits Act*, R.S.O.1990, c.P.8, as amended (the "Act");

AND IN THE MATTER OF a Proposal to Refuse to Approve a partial wind up report by the Superintendent of Financial Services under section 70 of the Act, relating to the **Pension Trust for Salaried Employees of Fisher Controls Inc., Registration No. 0390815;**

AND IN THE MATTER OF a Proposal to Require a New Report by the Superintendent of Financial Services under section 88 of the Act, relating to the **Pension Trust for Salaried Employees of Fisher Controls Inc., Registration No. 0390815;**

TO: **Fisher Controls, a Division of**
Emerson Electric Canada Inc.
13 Viola Court
Delhi, ON N4B 3C9

Attention: Michele de Dobbelaer
Regional Human Resources
Manager
Employer and Administrator

NOTICE OF PROPOSAL

I PROPOSE TO REFUSE TO APPROVE the Pension Trust for Salaried Employees of Fisher Controls Inc. Partial Windup Report as at December 31, 1993 dated January 2001 (the "Report") relating to the **Pension Trust for Salaried Employees of Fisher Controls Inc., Registration No. 0390815** (the "Plan"), pursuant to section 70 of the Act.

I ALSO PROPOSE TO REQUIRE A NEW REPORT to be prepared and filed within sixty (60) days from the date of this Notice of Proposal, which shall deal with the distribution of surplus related to the partial wind up effective December 31, 1993 pursuant to sections 70 and 88 of the Act.

REASONS:

1. Fisher Controls, a Division of Emerson Electric Canada Inc. ("Fisher") is the employer and administrator of the Plan.
2. Fisher filed the Report respecting the closure of its plant in Cambridge, Ontario, effective as at December 31, 1993. The Report states that there is an excess of wind up assets over wind up liabilities in the amount of $421,500.
3. The Report is silent respecting the distribution of surplus on partial wind up.
4. On December 16, 2002, authorization was given to the Plan Administrator to distribute the assets in accordance with the Report with the exception of surplus assets, pursuant to subsection 70(3) of the Act.
5. The December 16, 2002 letter references subsection 70(6) of the Act and states: "When the proposals for the distribution of the surplus assets are found to be acceptable, we shall proceed with the approval of the partial wind-up report."
6. Subsection 70(6) of the Act provides: On the partial wind up of a pension plan, members, former members and other persons entitled to benefits under the pension plan shall have rights and benefits they would have on a full wind up of the pension plan on the effective date of the partial wind up.
7. On July 29, 2004, the Supreme Court of Canada released its decision in the case of *Monsanto Canada Inc. v. Ontario (Superintendent of Financial Services)* and

held that subsection 70(6) of the *Act* requires the distribution of actuarial surplus related to the part of the plan being wound up, on the effective date of the partial wind up.

8. On August 19, 2004, a letter was sent to the Plan Administrator stating that now that the law was certain in light of *Monsanto,* an updated funding position was required to be filed and signed by an actuary who is a Fellow of the Canadian Institute of Actuaries by October 18, 2004. The letter also stated that a plan and timetable for the distribution of any surplus was required by October 18, 2004.
9. No response was received to the August 19, 2004 letter. A reminder letter was therefore sent to the Plan Administrator on November 4, 2004. The reminder letter stated that the updated funding position and plan and timetable for the distribution of surplus were required to be filed by December 6, 2004. The reminder letter also stated that the authority for requiring this information is section 98 of the Act.
10. Section 98 of the Act provides that the Superintendent may require an employer, an administrator, or any other person to supply such information in such form as is acceptable to the Superintendent and within such time limits as may be specified, for the purpose of ascertaining whether or not the Act and regulations are being complied with.
11. No response was received to the November 4, 2004 reminder letter. A second reminder letter was therefore sent to the Plan Administrator on March 3, 2005. The second reminder letter stated that in view of the delay that had already occurred, the updated funding position and plan and timetable for the distribution of surplus were required to be filed by April 2, 2005. The second reminder letter also referenced section 98 of the Act and noted that it is an offence under section 109 of the Act to contravene section 98.
12. No response has been received to date to the March 3, 2005 second reminder letter.
13. Subsection 70(5) of the Act provides that the Superintendent may refuse to approve a wind up report that does not meet the requirements of the Act and the regulations or that does not protect the interests of the members and former members of the pension plan.
14. The Report does not meet the requirements of the Act because it does not comply with subsection 70(6) of the Act.
15. Section 88 of the Act provides that the Superintendent may require an administrator to prepare a new report where a report does not meet the requirements of the Act, and that the Superintendent may specify the methods that shall be used in the preparation of the new report.
16. Such further and other reasons as may come to my attention.

YOU ARE ENTITLED TO A HEARING by the Financial Services Tribunal (the "Tribunal") pursuant to subsection 89(6) of the Act. To request a hearing, you must deliver to the Tribunal a written notice that you require a hearing, within thirty (30) days after this Notice of Proposal is served on you.[1]

YOUR WRITTEN NOTICE must be delivered to:

Financial Services Tribunal
5160 Yonge Street, 14th Floor
Toronto, ON M2N 6L9

Attention: The Registrar

FOR FURTHER INFORMATION, contact the Registrar of the Tribunal by phone at (416) 226-7752, toll free at 1-800-668-0128, ext. 7752, or by fax at (416) 226-7750.

IF YOU FAIL TO REQUEST A HEARING WITHIN THIRTY (30) DAYS, I MAY REFUSE TO APPROVE THE REPORT AND ORDER A NEW REPORT, AS PROPOSED IN THIS NOTICE.

DATED at Toronto, Ontario, July 14, 2005.

K. David Gordon
Deputy Superintendent, Pensions

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[1] NOTE - pursuant to section 112 of the *Act*, any Notice, Order, or other document is sufficiently given, served or delivered if delivered personally or sent by first class mail and any document sent by first class mail shall be deemed to be given, served or delivered on the seventh day after the date of mailing.

Orders that Pension Plans be Wound Up

IN THE MATTER OF the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the "Act");

AND IN THE MATTER OF a Proposal of the Superintendent of Financial Services to make an Order under section 69 of the *Act*, respecting **Pension Plan for Employees of Auto-Administrator Int'l Inc., Registration Number 1035138 (the "Pension Plan");**

TO: **The Manufacturers Life Insurance Company**
500 King North
P.O. Box 1602
Waterloo, ON N2J 4C6

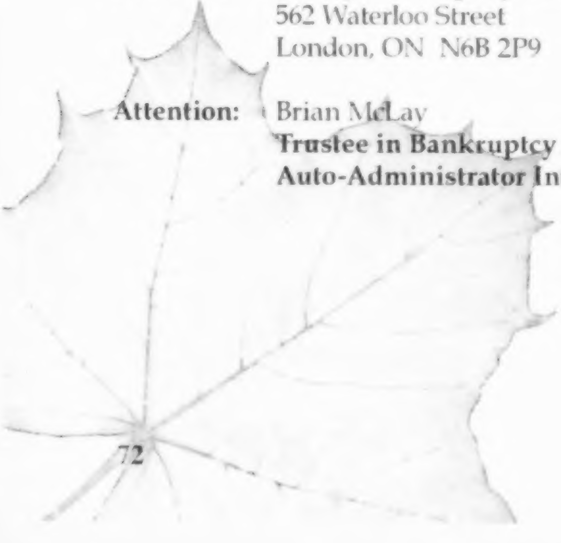
Attention: Karen Osborne
Plan Design Specialist
Administrator of the Pension Plan

AND TO: **Auto-Administrator Int'l Inc.**
230-747 Hyde Park Road
London, ON N6H 3S3

Attention: N. Leigh Folliott
Vice-President, Finance
Employer

AND TO: **McLay & Company Inc.**
562 Waterloo Street
London, ON N6B 2P9

Attention: Brian McLay
Trustee in Bankruptcy for Auto-Administrator Int'l Inc.



ORDER

ON the 20th day of January, 2005, the Deputy Superintendent, Pensions, issued a **Notice of Proposal to make an Order** dated the 20th day of January, 2005, pursuant to subsection 69(1) of *Act* to the Administrator and to the Employer to wind up in whole the **Pension Plan.**

NO Notice requiring a hearing was delivered to the Financial Services Tribunal, ("Tribunal") within the time prescribed by subsection 89(6) of the Act.

IT IS THEREFORE ORDERED that the Pension Plan be wound up in full effective December 31, 1999 for the following reasons:

1. there was a cessation or suspension of employer contributions to the pension fund;
2. the employer failed to make contributions to the pension fund as required by the Act or regulations;
3. All or a significant portion of the business carried on by the employer at a specific location is discontinued;
4. the employer is bankrupt within the meaning of the *Bankruptcy and Insolvency Act*.

DATED at Toronto, Ontario, this 10th day of March, 2005.

Tom Golfetto
Director, Pension Plans Branch by Delegated Authority from the Superintendent of Financial Services

IN THE MATTER OF the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended by the *Financial Services Commission of Ontario Act, 1997*, R.S.O. 1997, c. 28; (the "Act");

AND IN THE MATTER OF a Proposal of the Deputy Superintendent, Pensions, to Make an Order under section 69 of the Act relating to the **Pension Plan for Hourly Employees of Ford-Smith Machine Company Limited, Registration Number 541565 (the "Plan");**

TO: **Morneau Sobeco**
895 Don Mills Road, Suite 700
1 Morneau Sobeco Centre
Toronto, ON M3C 1W3

Attention: David R. Kearney, Senior Consultant
Administrator

AND TO: **Ford-Smith Machine Company Limited.**
901 Arvin Avenue
Stoney Creek, ON L8E 5N9

Attention: Brian Thwaites
Employer

AND TO: **Grant Thornton Limited**
19th Floor, South Tower
Royal Bank Plaza
200 Bay Street, Box 55
Toronto, ON M5J 2P9

Attention: Mr. Jake Weibe
Interim Receiver

AND TO: **United Steelworkers of America, Local 4843**
1031 Barton Street East
Hamilton, ON L8L 3E3

Attention: Roy Leslie
Union Representative for the members of the Plan

ORDER

ON or about January 20, 2005 the Deputy Superintendent, Pensions, issued a Notice of Proposal dated January 20, 2005 to make an Order that the Plan be wound up in whole effective December 3, 2001 through July 2, 2003 pursuant to section 69(1) of the Act.

NO REQUEST for a hearing has been received by the Financial Services Tribunal in connection with this matter.

I THEREFORE ORDER that the Plan be wound up in whole effective December 3, 2001 through July 2, 2003.

REASONS:

1. Cessation or suspension of employer contributions to the pension fund, pursuant to clause 69(1)(a) of the Act.
2. Failure of the Employer to make contributions to the pension fund of the Plan as required by the Act or the regulations, pursuant to clause 69(1)(b) of the Act.
3. A significant number of members have ceased to be employed by the employer as the result of the discontinuance or reorganization of all of part of business of the employer pursuant to clause 69(1)(d) of the Act.

4. All or a significant part of the business has been discontinued at a specific location, pursuant to clause 69(1)(e) of the Act.

DATED at North York, Ontario, this 18th day of March, 2005.

Tom Golfetto
Director, Pension Plans Branch
by Delegated Authority From the
Superintendent of Financial Services

IN THE MATTER OF the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended by the *Financial Services Commission of Ontario Act*, 1997, R.S.O. 1997, c. 28; (the "Act");

AND IN THE MATTER OF a Proposal of the Deputy Superintendent, Pensions to Make an Order under section 69 of the Act relating to the **Non-Contributory Retirement Plan for Salaried Employees of Ford-Smith Machine Company Limited, Registration Number 288845 (the "Plan");**

TO: **Morneau Sobeco**
895 Don Mills Road, Suite 700
1 Morneau Sobeco Centre
Toronto, ON M3C 1W3

Attention: David R. Kearney, Principal
Administrator

AND TO: **Ford-Smith Machine Company Limited.**
901 Arvin Avenue
Stoney Creek, ON L8E 5N9

Attention: Brian Thwaites
Employer

AND TO: **Grant Thornton Limited**
19th Floor, South Tower
Royal Bank Plaza
200 Bay Street, Box 55
Toronto, ON M5J 2P9

Attention: Mr. Jake Weibe
Interim Receiver

ORDER

ON or about January 20, 2005 the Deputy Superintendent, Pensions, issued a Notice of Proposal dated January 20, 2005 to make an Order that the Plan be wound up in whole effective May 16, 2003 through July 18, 2003 pursuant to section 69(1) of the Act.

NO REQUEST for a hearing has been received by the Financial Services Tribunal in connection with this matter.

I THEREFORE ORDER that the Plan be wound up in whole effective May 16, 2003 through July 18, 2003.

REASONS:

1. A significant number of members have ceased to be employed by the employer as the result of the discontinuance or reorganization of all of part of business of the employer pursuant to clause 69(1)(d) of the Act.
2. All or a significant part of the business has been discontinued at a specific location, pursuant to clause 69(1)(e) of the Act.

DATED at North York, Ontario, this 18th day of March 2005.

Tom Golfetto
Director, Pension Plans Branch
by Delegated Authority from the
Superintendent of Financial Services

IN THE MATTER OF the *Pension Benefits Act*, R.S.O.1990, c.P.8, as amended (the "Act");

AND IN THE MATTER OF a Notice of Proposal to Make an Order issued by the Superintendent of Financial Services requiring the Wind Up of the **Eaton Yale Ltd. Pension Plan for Salaried Employees of Cutler-Hammer Canada Operations, Registration Number 440396;**

TO: **Eaton Corporation**
1111 Superior Avenue
Eaton Centre 2235
Cleveland, OH 44114-2584

Attention: Robert Parmenter
Vice President Treasurer
Employer and Administrator of the Eaton Yale Ltd. Pension Plan for Salaried Employees of Cutler-Hammer Canada Operations

ORDER

ON or about the 27th day of June, 2000, the Superintendent of Financial Services (the "Superintendent") issued a **NOTICE OF PROPOSAL TO MAKE AN ORDER** dated June 22, 2000(the "Notice of Proposal") to the Employer and Administrator of the Eaton Yale Ltd. Pension Plan for Salaried Employees of Cutler-Hammer Canada Operations, Registration No. 440396 (the "Plan") wherein she proposed to order the Plan wound up in part under section 69(1)(e) of the *Act* in relation to those members and former members of the Plan who ceased to be employed by Eaton Yale Ltd. from February 23, 1994 to January 12, 1995 as a result of the closure of two manufacturing facilities located at Mount Forest, Ontario and St-Jean-sur-Richelieu, Quebec, on or about February 23, 1994.

ON or about the 4th day of August, 2000, Eaton Corporation requested a hearing by the Financial Services Tribunal (the "Tribunal").

ON or about the 9th day of November, 2000, the Tribunal adjourned the hearing on consent of Eaton Corporation and the Superintendent, on a *sine die* basis.

ON or about the 14th day of March, 2005, Eaton Corporation withdrew its request for a hearing.

NO other request for a hearing with respect to the Notice of Proposal has been made.

THEREFORE the Superintendent:

1. **ORDERS** Eaton Corporation, pursuant to section 69(1)(e) of the Act, to wind up in part the Eaton Yale Ltd. Pension Plan for Salaried Employees of Cutler-Hammer Canada Operations, Registration Number 440396, in relation to those members and former members of the Plan who ceased to be employed by Eaton Yale Ltd. from February 23, 1994 to January 12, 1995, as a result of the closure of two manufacturing facilities located at Mount Forest, Ontario and St-Jean-sur-Richelieu, Québec, on or about February 23, 1994.
2. **ORDERS** Eaton Corporation to file a partial wind up report with respect to the above partial wind up within 60 days from the date on this Order.

REASONS FOR THE ORDER:

1. On or about February 23, 1994, Eaton Yale Ltd. discontinued all or part of its business at the manufacturing facilities located at Mount Forest, Ontario and St-Jean-sur-Richelieu, Québec.
2. The 8 affected members at the Mount Forest, Ontario location ceased to be employed by Eaton Yale Ltd. between February 23, 1994 and September 30, 1994. The 71 affected members at the St-Jean-sur-Richelieu, Québec location ceased to be employed by Eaton Yale Ltd. between February 23, 1994 and January 12, 1995.
3. There was no distribution of surplus on plant closure to the affected Ontario members. On a partial wind up, the surplus allocable to the partial wind up must be allocated and distributed pursuant to sections 1, 70(1)(a) and (c), and 70(6) of the Act.
4. There was no partial wind up report filed by Eaton Yale Ltd.; therefore, the rights of the Québec members affected by the plant closure to any distribution of surplus on future full wind up of the Plan have not been protected as required by the Quebec Supplemental Pension Plans Act.

DATED at Toronto, Ontario, this 19th day of April, 2005.

K. David Gordon
Deputy Superintendent, Pension Division

IN THE MATTER of the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the "Act");

AND IN THE MATTER of a Proposal of the Superintendent of Financial Services to make an Order under section 69 of the Act, respecting the **Proboard Limited Employees' Pension Plan Registration Number 593814 (the "Plan");**

TO:
Morneau Sobeco
895 Don Mills Road, Suite 700
One Morneau Sobeco Centre
Toronto, ON M3C 1W3

Attention: David R. Kearney
Administrator

AND TO:
Steve Geddes
Director of Finance
Proboard Limited
P.O. Box 1600
Atikokan, ON P0T 1C0
Employer

AND TO:
Brian Deazeley CA CIRP
ISCA Financial Services
2172 Dunvegan Avenue
Oakville, ON L6J 6P1
Trustee in Bankruptcy

AND TO:
Rene Lindquist
National Representative
Communications, Energy and Paperworkers of Canada (Local 49-0)
516 South High Street
Thunder Bay, ON P7B 3M3
Union representative

ORDER

NO request requiring a hearing was delivered to the Financial Services Tribunal within the time prescribed by subsection 89(6) of the Act respecting a Notice of Proposal to make an Order to wind up the Plan.

IT IS THEREFORE ORDERED that the Plan be wound up in full effective **May 30, 2003 through October 6, 2003** for the following reasons:

1. There is a cessation or suspension of employer contributions to the pension fund.
2. Failure of the employer to make contributions to the pension fund as required by the Act or the regulations.
3. The employer is bankrupt within the meaning of the *Bankruptcy and Insolvency Act*.
4. A significant number of members of the pension plan ceased to be employed by the employer as a result of the discontinuance of all or part of the business of the employer or as a result of the reorganization of the business of the employer.
5. All or a significant portion of the business carried on by the employer at a specific location was discontinued.

DATED at Toronto, Ontario, this 7th day of July, 2005.

Tom Golfetto
Director, Pension Plans Branch
by Delegated Authority from
the Superintendent of Financial Services

IN THE MATTER of the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the "Act");

AND IN THE MATTER of a Proposal of the Superintendent of Financial Services to make an Order under section 69 of the Act, respecting the **Oxford Automotive Canada Ltd. Pension Plan for Salaried Employees Located in Chatham and Wallaceburg, Ontario, Registration Number 1063023;**

TO:
Tony Karkheck
Senior Vice-president
PricewaterhouseCoopers Inc.
1 Robert Speck Parkway,
Suite 1100
Mississauga, ON L4Z 3M3
Administrator

AND TO:
Shelley McIntyre
Manager, Compensation & Benefits (Canada)
Oxford Automotive Canada Ltd.
100 Mason Street
Wallaceburg, ON N8A 2L3
Employer

AND TO:
Rachel Pollock
Manager
Ernst & Young Inc.
222 Bay Street, PO Box 251
Toronto, ON M5K 1J7
Trustee in Bankruptcy

ORDER

NO request requiring a hearing was delivered to the Financial Services Tribunal within the time prescribed by subsection 89(6) of the Act respecting a Notice of Proposal to make an Order to wind up the Plan.

IT IS THEREFORE ORDERED that the Plan be wound up in full effective February 28, 2003 through March 1, 2004 for the following reasons:

1. The employer is bankrupt within the meaning of the *Bankruptcy and Insolvency Act*.
2. A significant number of members have ceased to be employed by the employer as the result of the discontinuance or reorganization of all or part of the business of the employer.

DATED at Toronto, Ontario, this 7th day of July, 2005.

Tom Golfetto
Director, Pension Plans Branch
by Delegated Authority from
the Superintendent of Financial Services

IN THE MATTER of the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the "Act");

AND IN THE MATTER of a Proposal of the Superintendent of Financial Services to make an Order under section 69 of the Act, respecting the **Oxford Automotive Canada Ltd. Pension Plan for Union Employees Located at the Cambridge Plant Registration Number 996926;**

TO:
Tony Karkheck
Senior Vice-president
PricewaterhouseCoopers Inc.
1 Robert Speck Parkway,
Suite 1100
Mississauga, ON L4Z 3M3
Administrator

AND TO:
Shelley McIntyre
Manager, Compensation & Benefits (Canada)
Oxford Automotive Canada Ltd.
100 Mason Street
Wallaceburg, ON N8A 2L3
Employer

AND TO:
Rachel Pollock
Manager
Ernst & Young Inc.
222 Bay Street, PO Box 251
Toronto, ON M5K 1J7
Trustee in Bankruptcy

AND TO:
Sym Gill
National Director of Pensions
Canadian Auto Workers Union, Local 1986
205 Placer Court
Toronto, ON M2H 3H9
Union representative

ORDER

NO request requiring a hearing was delivered to the Financial Services Tribunal within the time prescribed by subsection 89(6) of the Act respecting a Notice of Proposal to make an Order to wind up the Plan.

IT IS THEREFORE ORDERED that the Plan be wound up in full effective October 11, 2000 through September 30, 2002 for the following reasons:

1. The employer is bankrupt within the meaning of the *Bankruptcy and Insolvency Act*.
2. All or a significant portion of the business carried on by the employer at a specific location was discontinued.

DATED at Toronto, Ontario, this 21st day of July, 2005.

Tom Golfetto
Director, Pension Plans Branch
by Delegated Authority from
the Superintendent of Financial Services

IN THE MATTER of the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the "Act");

AND IN THE MATTER of a Proposal of the Superintendent of Financial Services to make an Order under section 69 of the Act, respecting the **Oxford Automotive Canada Ltd. Pension Plan for Hourly Employees Located at the Wallaceburg Plant. Registration Number 364356;**

TO:
Tony Karkheck
Senior Vice-president
PricewaterhouseCoopers Inc.
1 Robert Speck Parkway,
Suite 1100
Mississauga, ON L4Z 3M3
Administrator

AND TO:
Shelley McIntyre
Manager, Compensation &
Benefits (Canada)
Oxford Automotive Canada Ltd.
100 Mason Street
Wallaceburg, ON N8A 2L3
Employer

AND TO:
Rachel Pollock
Manager
Ernst & Young Inc.
222 Bay Street, PO Box 251
Toronto, ON M5K 1J7
Trustee in Bankruptcy

AND TO:
Bill Pollock
President
United Auto Workers Union,
Local 251
88 Elm Drive South
Wallaceburg, ON N8A 5E7
Union representative

ORDER

NO request requiring a hearing was delivered to the Financial Services Tribunal within the time prescribed by subsection 89(6) of the Act respecting a Notice of Proposal to make an Order to wind up the Plan.

IT IS THEREFORE ORDERED that the Plan be wound up in full effective December 5, 2003 through March 1, 2004 for the following reasons:

1. The employer is bankrupt within the meaning of the *Bankruptcy and Insolvency Act*.
2. All or a significant portion of the business carried on by the employer at a specific location was discontinued.

DATED at Toronto, Ontario, this 21st day of July, 2005.

Tom Golfetto
Director, Pension Plans Branch
by Delegated Authority from
the Superintendent of Financial Services

IN THE MATTER of the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the "Act");

AND IN THE MATTER of a Proposal of the Superintendent of Financial Services to make an Order under section 69 of the Act, respecting the **Pension Plan for Hourly-Paid Employees of Dunlop (Canada) Inc. who are Members of Local 974 (USWA) (the "Plan") Registration Number 0375048;**

TO:
Sharon Carew
Director
PricewaterhouseCoopers Inc.
Mississauga Executive Centre
One Robert Speck Parkway,
Suite 1100
Mississauga, ON L4Z 3M3
Administrator

AND TO:
Dunlop (Canada) Inc.
330 Byron Street South
Whitby, ON L1N 4P8
Employer

AND TO:
Jack Weibe
Grant Thornton Limited
P.O. Box 55, Royal Bank Plaza
19th Floor, South Tower
Toronto, ON M5J 2P9
Trustee in Bankruptcy

AND TO:
John O'Connor
United Steelworkers of America Local 974
115 Albert Street
P.O. Box 946
Oshawa, ON L1H 7N1
Union Representative

ORDER

NO request requiring a hearing was delivered to the Financial Services Tribunal within the time prescribed by subsection 89(6) of the Act respecting a Notice of Proposal to make an Order to wind up the Plan.

IT IS THEREFORE ORDERED that the Plan be wound up in full effective between October 22, 2004 and October 29, 2004 for the following reason:

> The employer is bankrupt within the meaning of the *Bankruptcy and Insolvency Act*.

DATED at Toronto, Ontario, this 10th day of August, 2005.

Tom Golfetto
Director, Pension Plans Branch
by Delegated Authority from
the Superintendent of Financial Services

IN THE MATTER of the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the "Act");

AND IN THE MATTER of a Proposal of the Superintendent of Financial Services to make an Order under section 69 of the Act, respecting the **Pension Plan for the Employees of International Controls Limited (the "Plan") Registration Number 1010537;**

TO:
Darlene Sundercock
Wind-Up Specialist
Great West London Life
255 Dufferin Avenue
London, ON N6K 4K1
Administrator

AND TO:
Gail Taylor
Administrator
International Controls Limited
5375 Brendan Lane
Oldcastle, ON N0R 1L0
Employer

AND TO:
Chester Cszypula
BDO Dunwoody
103-252 Pall Mall Street
London, ON N6A 5P6
Trustee in Bankruptcy

ORDER

NO request requiring a hearing was delivered to the Financial Services Tribunal within the time prescribed by subsection 89(6) of the Act respecting a Notice of Proposal to make an Order to wind up the Plan.

IT IS THEREFORE ORDERED that the Plan be wound up in full effective July 31, 2004 for the following reasons:

1. There is a cessation or suspension of employer contributions to the pension fund.
2. The employer fails to make contributions to the pension fund as required by this Act.
3. The Employer is bankrupt within the meaning of the *Bankruptcy and Insolvency Act*.

DATED at Toronto, Ontario, this 16th day of September, 2005.

Tom Golfetto
Director, Pension Plans Branch
by Delegated Authority from
the Superintendent of Financial Services

Consents to Payments out of Wound Up Pension Plans

IN THE MATTER OF the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the "Act");

AND IN THE MATTER OF a Proposal by the Superintendent of Financial Services to make an Order under subsection 78(1) of the Act consenting to a payment out of the **Pension Plan for Employees of Kingsley & Keith (Canada) Inc., Registration Number 559443;**

TO: **2419742 Canada Inc. (formerly Kingsley & Keith (Canada) Inc.**
C/O PMC Inc. and Subsidiaries
12243 Brantford Street
Sun Valley, CA 91352

Attention: Ms. Tina Toy
Attorney
Applicant and Employer

CONSENT

ON or about January 11, 2005, the Superintendent of Financial Services caused to be served on 2419742 Canada Inc. (formerly Kingsley & Keith (Canada) Inc. a Notice of Proposal dated January 11, 2005 to consent, pursuant to subsection 78(1) of the Act, to payment out of the Pension Plan for Employees of Kingsley & Keith (Canada) Inc., Registration No.559443, to 2419742 Canada Inc. in the amount of $597,551 as at February 1, 2000 plus investment earnings to the date of the payment less any allowance for related expenses.

NO Notice requiring a hearing was delivered to the Financial Services Tribunal by the Applicant or any other party within the time prescribed by subsection 89(6) of the Act.

THE SUPERINTENDENT OF FINANCIAL SERVICES THEREFORE CONSENTS to the payment out of the Pension Plan for Employees of Kingsley & Keith (Canada) Inc., Registration Number 559443, to 2419742 Canada Inc. in the amount of $597,551 as at February 1, 2000 plus investment earnings to the date of the payment less any allowance for related expenses.

THIS CONSENT IS EFFECTIVE ONLY AFTER the Applicant satisfies me that any payments to which members, former members and any other persons who are entitled to have been made or otherwise provided for.

DATED at Toronto, Ontario, this 18th day of March, 2005.

Tom Golfetto,
Director, Pension Plans Branch
by Delegated Authority from
the Superintendent of Financial Services

c.c. Donna Wolfe, Cowan Wright Beauchamp Limited

IN THE MATTER OF the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the "Act");

AND IN THE MATTER OF a Proposal by the Superintendent of Financial Services to make an Order under subsection 78(1) of the Act consenting to a payment out of the **Retirement Plan for The Employees of The Canadian Gas Association, Registration Number 0233155;**

TO:	**Canadian Gas Association** 350 Sparks Street, Suite 809 Ottawa, ON K1R 7S8
Attention:	Michael Cleland President and CEO **Applicant and Employer**

CONSENT

ON or about February 11, 2005, the Superintendent of Financial Services caused to be served on Canadian Gas Association a Notice of Proposal dated February 11, 2005 to consent, pursuant to subsection 78(1) of the Act, to the payment out of the Retirement Plan for The Employees of The Canadian Gas Association, Registration Number 0233155, to Canadian Gas Association in the amount of $427,850 as at February 28, 2003, plus adjustments for investment returns and expenses thereto.

NO Notice requiring a hearing was delivered to the Financial Services Tribunal by the Applicant or any other party within the time prescribed by subsection 89(6) of the Act.

THE SUPERINTENDENT OF FINANCIAL SERVICES THEREFORE CONSENTS to the payment out of the Retirement Plan for The Employees of The Canadian Gas Association, Registration Number 0233155, to **Canadian Gas Association** in the amount of $427,850 as at February 28, 2003, plus adjustments for investments returns and expenses thereto.

THIS CONSENT IS EFFECTIVE ONLY AFTER the Applicant satisfies me that all benefits, benefit enhancements and any other payments to which the members, former members, and any other persons entitled to such payments have been paid, purchased, or otherwise provided for.

DATED at Toronto, Ontario, this 29th day of April, 2005.

Tom Golfetto,
Director, Pension Plans Branch
by Delegated Authority from
the Superintendent of Financial Services

c.c. Mr. Attila Bimbo
Mr. Edward Patkay
Mr. Marc Vigneault, Standard Life Assurance Company

IN THE MATTER OF the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the "Act");

AND IN THE MATTER OF a Proposal by the Superintendent of Financial Services to make an Order under subsection 78(1) of the Act **consenting to a payment out of the Pension Plan for the Employees of Compo Machinery Corporation of Canada Limited and Affiliated Companies, Registration Number 0574814;**

TO: **Compo Shoe Machinery Corporation of Canada Ltd.**
3 Prospect Street
Morristown, NJ 07960 USA

Attention: Mr. Richard A. Varney
President and Secretary-Treasurer
Applicant and Employer

CONSENT

ON or about March 10, 2005 the Superintendent of Financial Services caused to be served on Compo Shoe Machinery Corporation of Canada Limited a Notice of Proposal dated March 10, 2005 to consent, pursuant to subsection 78(1) of the Act, to payment out of the Pension Plan for the Employees of Compo Shoe Machinery Corporation of Canada Limited and Affiliated Companies, Registration No.0574814, to Compo Shoe Machinery Corporation of Canada Limited in the amount of $392,200 as at March 31, 2002, adjusted to the date of payment for investment earnings, expenses, and a payment of $19,432 to the former members.

NO NOTICE requiring a hearing was delivered to the Financial Services Tribunal by the Applicant or any other party within the time prescribed by subsection 89(6) of the Act.

THE SUPERINTENDENT OF FINANCIAL SERVICES THEREFORE CONSENTS to the payment out of the Pension Plan for the Employees of Compo Shoe Machinery Corporation of Canada Limited and Affiliated Companies, Registration Number 0574814, to **Compo Shoe Machinery Corporation of Canada Limited** in the amount of $392,200 as at March 31, 2002, adjusted to the date of payment for investment earnings, expenses, and a payment of $19,432 to the former members.

DATED at Toronto, Ontario, this 16th day of June, 2005.

Tom Golfetto,
Director, Pension Plans Branch
by Delegated Authority from
the Superintendent of Financial Services

c.c. Serge Trépanier, FSA, FCIA, Mercer Human Resource Consulting

IN THE MATTER OF the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the "Act");

AND IN THE MATTER OF a Proposal by the Superintendent of Financial Services to make an Order under subsection 78(1) of the Act consenting to **a payment out of the Pension Plan for Employees of Dyment Limited, Registration Number 0242735;**

TO: **Dyment Limited**
1235 Bay Street, Suite 400
Toronto, ON M5R 3K4

Attention: Mr. E. A. Campbell
Controller
Applicant and Employer

CONSENT

ON or about June 21, 2005, the Superintendent of Financial Services caused to be served on Dyment Limited a Notice of Proposal dated June 21, 2005 to consent, pursuant to subsection 78(1) of the Act, to the payment out of the Pension Plan for Employees of Dyment Limited, Registration Number 0242735, to **Dyment Limited** in the amount of 50% of the wind up surplus of $1,660,847 as at December 31, 2002 plus 50% of investment earnings thereon to the date of payment, less 50% of expenses relating to the wind up of the Plan.

In a letter dated June 30, 2005, the Applicant waived the right to require a hearing as prescribed by subsection 89(6) of the Act.

THE SUPERINTENDENT OF FINANCIAL SERVICES THEREFORE CONSENTS to the payment out of the Pension Plan for Employees of Dyment Limited, Registration Number 0242735, to **Dyment Limited** in the amount of 50% of the wind up surplus of $1,660,847 as at December 31, 2002 plus 50% of investment earnings thereon to the date of payment, less 50% of expenses relating to the wind up of the Plan.

THIS CONSENT IS EFFECTIVE ONLY AFTER the Applicant satisfies me that all benefits and benefit enhancements pursuant to the Surplus Distribution Agreement set out in paragraph 5 of the Notice of Proposal dated June 21, 2005 and any other payments to which the members, former members, and any other persons entitled to such payments have been paid, purchased, or otherwise provided for.

DATED at Toronto, Ontario, this 7th day of July, 2005

Tom Golfetto,
Director, Pension Plans Branch
by Delegated Authority from
the Superintendent of Financial Services

c.c. Kerry Worgan, Mercer Human Resource Consulting

Declarations that the Pension Benefits Guarantee Fund Applies to Pension Plans — Subsection 83 (1) of the *Pension Benefits Act*

IN THE MATTER OF the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended by the Financial Services Commission of Ontario Act, 1997, R.S.O. 1997, c. 28; (the "Act");

AND IN THE MATTER OF a Proposal of the Superintendent of Financial Services to Make a Declaration under section 83 of the *Act* relating to the **Retirement Plan for Employees of Outboard Marine Corporation of Canada Ltd. Registration Number 232975;**

TO: **Morneau Sobeco**
895 Don Mills Road, Suite 700
One Morneau Sobeco Centre
Toronto, ON M3C 1W3

Attention : Mr. David R. Kearney, Senior Consultant
Appointed Administrator of the Plan

AND TO: **Outboard Marine Corporation of Canada Ltd.**
100 Sea-Horse Drive
Waukegan, IL 60085

Attention: Ms. Darlene Lomax, Manager Benefits Administration
Employer

AND TO: **Ernst & Young**
35 Metcalfe Street, Suite 1600
Ottawa, ON K1P 6L5

Attention: Mr. Greg Adams
Disbursement Receiver

DECLARATION

WHEREAS:

1. The Retirement Plan for Employees of Outboard Marine Corporation of Canada Ltd., (the "Plan"), is registered under the Act as Registration Number 232975; and
2. The Plan provides defined benefits that are not exempt from the application of the Pension Benefits Guarantee Fund (the "Guarantee Fund") by the Act or the regulations made thereunder; and
3. The Superintendent of Financial Services appointed Morneau Sobeco administrator of the Plan on July 11, 2002; and
4. On December 17, 2003, the Superintendent of Financial Services issued an Order that the Plan was to be wound up effective August 1, 2000 through April 9, 2001; and
5. The administrator filed a wind up report for the Plan effective April 9, 2001, disclosing a surplus of $562,500 at the wind up date, and a projected deficiency of $505,300 as at May 1, 2004; and
6. On October 29, 2004 the said wind up report was approved by the Superintendent of Financial Services; and
7. On December 1, 2004 the administrator filed an application for a Declaration that the Guarantee Fund applies to the Plan, based on the said wind up report; and
8. On January 1, 2005 the administrator filed an application for an interim Allocation from the Guarantee Fund in the amount of $1,927,600 determined as of December 1, 2004, such application being made in anticipation of the Declaration being issued; and
9. On January 6, 2005, a notice of proposal to make a Declaration that the Guarantee

Fund applies to the Plan was issued and served by the Deputy Superintendent, Pensions; and

10. As of February 24, 2005, no request for a hearing before the Tribunal in respect of the notice of proposal to make a Declaration had been received;

NOW THEREFORE TAKE NOTICE I declare pursuant to sections 83 and 89 of the *Act* that the Guarantee Fund applies to the Plan for the following reasons:

REASONS:

1. The potential claim against the Guarantee Fund has been revised from $505,300 determined as of May 1, 2004 to $1,927,600 determined as of December 1, 2004.
2. The employer, Outboard Marine Corporation of Canada Ltd., was ordered into receivership on November 20, 2001.
3. The administrator has been advised that there is unlikely to be any distribution of funds from the Estate of Outboard Marine Corporation of Canada Ltd. to the Plan.
4. There are reasonable and probable grounds for concluding that the funding requirements of the Act and regulation cannot be satisfied.
5. If funds become available for the Plan from the Estate of Outboard Marine Corporation of Canada Ltd., the administrator will be required to make an appropriate refund of any allocation amounts received by the Plan from the Guarantee Fund.

DATED at North York, Ontario this 10th day of March, 2005.

Tom Golfetto

Director, Pension Plans Branch

IN THE MATTER OF the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended by the Financial Services Commission of Ontario Act, 1997, R.S.O. 1997, c. 28; (the "Act");

AND IN THE MATTER OF a Proposal of the Superintendent of Financial Services to Make a Declaration under section 83 of the Act relating to the **Pension Plan for Employees of Outboard Marine Corporation of Canada Ltd. Registration Number 232967;**

TO: **Morneau Sobeco**
895 Don Mills Road, Suite 700
One Morneau Sobeco Centre
Toronto, ON M3C 1W3

Attention : Mr. David R. Kearney, Senior Consultant
Appointed Administrator of the Plan

AND TO: **Outboard Marine Corporation of Canada Ltd.**
100 Sea-Horse Drive
Waukegan, IL 60085

Attention: Ms. Darlene Lomax, Manager Benefits Administration
Employer

AND TO: **Ernst & Young**
35 Metcalfe Street, Suite 1600
Ottawa, ON K1P 6L5

Attention: Mr. Greg Adams
Disbursement Receiver

DECLARATION

WHEREAS:

1. The Pension Plan for Employees of Outboard Marine Corporation of Canada Ltd., (the "Plan"), is registered under the Act as Registration Number 232967; and
2. The Plan provides defined benefits that are not exempt from the application of the Pension Benefits Guarantee Fund (the "Guarantee Fund") by the Act or the regulations made thereunder; and
3. The Superintendent of Financial Services appointed Morneau Sobeco administrator of the Plan on July 11, 2002; and
4. On December 11, 2003, the Superintendent of Financial Services issued an Order that the Plan was to be wound up effective August 1, 2000 through December 20, 2000; and
5. The administrator filed a wind up report for the Plan effective December 20, 2000, disclosing a surplus of $398,600 at the wind up date, and a projected deficiency of $216,300 as at May 1, 2004; and
6. On October 29, 2004 the said wind up report was approved by the Superintendent of Financial Services; and
7. On December 1, 2004 the administrator filed an application for a Declaration that the Guarantee Fund applies to the Plan, based on the said wind up report; and
8. On January 6, 2005, a notice of proposal to make a Declaration that the Guarantee Fund applies to the Plan was issued and served by the Deputy Superintendent, Pensions; and
9. On February 9, 2005 the administrator filed an application for an interim Allocation from the Guarantee Fund in the amount of $654,2000 determined as of

December 1, 2004, such application being made in anticipation of the Declaration being issued; and

10. As of February 24, 2005, no request for a hearing before the Tribunal in respect of the notice of proposal to make a Declaration had been received;

NOW THEREFORE TAKE NOTICE I declare pursuant to sections 83 and 89 of the *Act* that the Guarantee Fund applies to the Plan for the following reasons:

REASONS:

1. The potential claim against the Guarantee Fund has been revised from $216,300 determined as of May 1, 2004 to $654,000 determined as of December 1, 2004.
2. The employer, Outboard Marine Corporation of Canada Ltd., was ordered into receivership on November 20, 2001.
3. The administrator does not anticipate there will be any distribution of funds from the Estate of Outboard Marine Corporation of Canada Ltd. to the Plan.
4. There are reasonable and probable grounds for concluding that the funding requirements of the Act and regulation cannot be satisfied.
5. If funds become available for the Plan from the Estate of Outboard Marine Corporation of Canada Ltd., the administrator will be required to make an appropriate refund of any allocation amounts received by the Plan from the Guarantee Fund.

DATED at North York, Ontario this 10th day of March, 2005.

Tom Golfetto
Director, Pension Plans Branch

IN THE MATTER OF the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended by the Financial Services Commission of Ontario Act, 1997, R.S.O. 1997, c. 28; (the "Act");

AND IN THE MATTER OF a Proposal of the Superintendent of Financial Services to Make a Declaration under section 83 of the Act relating to the **Pension Plan for Hourly Employees of Ford-Smith Machine Company Limited, Registration Number 541565 (the "Plan");**

TO: **Morneau Sobeco**
895 Don Mills Road, Suite 700
1 Morneau Sobeco Centre
Toronto, ON M3C 1W3

Attention: David R. Kearney, Senior Consultant
Administrator

AND TO: **Ford-Smith Machine Company Limited**
901 Arvin Avenue
Stoney Creek, ON L8E 5N9

Attention: Brian Thwaites
Employer

AND TO: **Grant Thornton Limited**
19 Floor, South Tower
Royal Bank Plaza
200 Bay Street, Box 55
Toronto, ON M5J 2P9

Attention: Mr. Jake Weibe
Interim Receiver

AND TO: **United Steelworkers of America, Local 4843**
1031 Barton Street East
Hamilton, ON L8L 3E3

Attention: Roy Leslie
Union Representative for the members of the Plan

DECLARATION

WHEREAS:

1. The Pension Plan for Hourly Employees of Ford-Smith Machine Company Limited ("Ford-Smith"), is registered under the Act as Registration Number 541565 (the "Plan"); and
2. The Plan provides defined benefits that are not exempt from the application of the Pension Benefits Guarantee Fund (the "Guarantee Fund") by the Act or the regulations made thereunder; and
3. On July 2, 2003 the Ontario Supreme Court of Justice appointed Grant Thornton Limited interim receiver for the employer; and
4. On July 2, 2003 all of the employees of the employer were terminated; and
5. On September 8, 2003 the Interim Receiver advised FSCO that the Ford-Smith business had not been sold and that all of the assets of Ford-Smith had been liquidated through public auction; and
6. The Superintendent of Financial Services appointed Morneau Sobeco administrator of the Plan on February 2, 2004; and
7. The appointed administrator of the Plan does not anticipate any recovery from the Plan from the said liquidation; and
8. On August 19, 2004 the administrator filed an application for a Declaration that the Guarantee Fund applies to the Plan; and

9. An actuarial opinion submitted with the application revealed that as of April 1, 2004 there were insufficient assets in the Plan to cover the liabilities of the Plan determined on a wind up basis; and
10. On December 17, 2004 the administrator filed an application to the Superintendent to make an order that the Plan be wound up effective July 2, 2003 for members whose employment terminated during the period December 3, 2001 to July 2, 2003; and
11. On February 11, 2005 the Superintendent of Financial Services issued a Notice of Proposal to make a Declaration that the Guarantee Fund applies to the Plan; and
12. On March 18, 2005 the Superintendent of Financial Services issued an Order that the Plan be wound up effective December 3, 2001 through July 2, 2003; and
13. As of April 6, 2005 no request for a hearing before the Financial Services Tribunal has been made in respect of the Notice of Proposal to make the Declaration;

NOW THEREFORE TAKE NOTICE I declare pursuant to sections 83 and 89 of the Act that the Guarantee Fund applies to the Plan for the following reasons:

REASONS FOR THE PROPOSED DECLARATION:

1. The Employer, Ford-Smith Machine Company Limited, no longer exists; has had its assets liquidated by the Interim Receiver to pay its secured creditors; and the Plan is to be wound up.
2. The administrator has estimated that there are insufficient assets in the Plan to cover the wind up liabilities of the Plan as at April 1, 2004.
3. The administrator does not expect there will any recovery from the estate or the liquidated assets of the Employer to meet any or all of the deficit in the Plan.
4. There are reasonable and probable grounds for concluding that the funding requirements of the Act and regulation cannot be satisfied.

DATED at North York, Ontario this 12th day of April, 2005.

Tom Golfetto
Director, Pension Plans Branch

IN THE MATTER OF the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended by the Financial Services Commission of Ontario Act, 1997, R.S.O. 1997, c. 28; (the "Act");

AND IN THE MATTER OF a Proposal of the Superintendent of Financial Services to Make a Declaration under section 83 of the *Act* relating to the **Non-Contributory Retirement Plan for Salaried Employees of Ford-Smith Machine Company Limited, Registration Number 288845 (the "Plan");**

TO: **Morneau Sobeco**
895 Don Mills Road, Suite 700
1 Morneau Sobeco Centre
Toronto, ON M3C 1W3

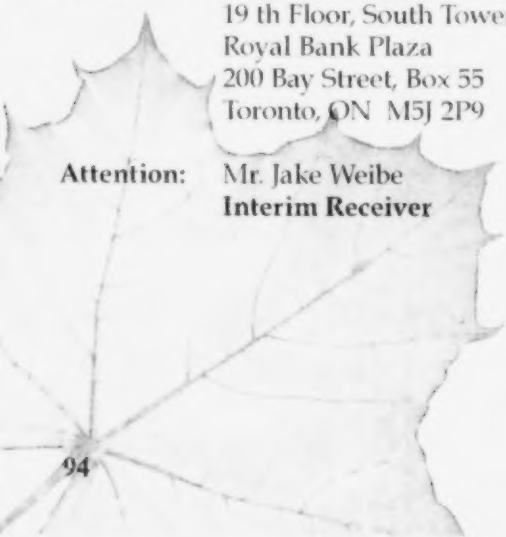
Attention: David R. Kearney,
Senior Consultant
Administrator

AND TO: **Ford-Smith Machine Company Limited.**
901 Arvin Avenue
Stoney Creek, ON L8E 5N9

Attention: Brian Thwaites
Employer

AND TO: **Grant Thornton Limited**
19 th Floor, South Tower
Royal Bank Plaza
200 Bay Street, Box 55
Toronto, ON M5J 2P9

Attention: Mr. Jake Weibe
Interim Receiver



DECLARATION

WHEREAS:

1. The Non-Contributory Retirement Plan for Salaried Employees of Ford-Smith Machine Company Limited is registered under the Act as Registration Number 288845 (the "Plan"); and
2. The Plan provides defined benefits that are not exempt from the application of the Pension Benefits Guarantee Fund (the "Guarantee Fund") by the Act or the regulations made thereunder; and
3. On July 2, 2003 by Order of the Ontario Supreme Court of Justice Grant Thornton Limited was appointed interim receiver for the employer; and
4. On July 2, 2003 all of the employees of the employer were terminated under the Order; and
5. On September 8, 2003 the Interim Receiver advised FSCO that the Ford-Smith business had not been sold and that all of the assets of the Ford-Smith had been liquidated through public auction; and
6. The Superintendent of Financial Services appointed Morneau Sobeco administrator of the Plan on February 2, 2004; and
7. The appointed administrator of the Plan does not anticipate any recovery for the Plan from the above liquidation of the employer's assets; and
8. The Plan is not a continuing Plan and will need to be wound up; and
9. On August 19, 2004 the administrator filed an application for a Declaration that the Guarantee Fund applies to the Plan; and
10. An actuarial opinion submitted with the application revealed that as of April 1, 2004 there were insufficient assets in the Plan to cover the liabilities of the Plan on a

wind up basis, the deficit being estimated at $263,700; and

11. On February 11, 2005 the Superintendent of Financial Services issued a Notice of Proposal to make a Declaration that the Guarantee Fund applies to the Plan; and
12. On March 18, 2005 the Superintendent of Financial Services issued an Order that the Plan be wound up effective May 16, 2003 through July 18, 2003; and
13. As of April 6, 2005 no request for a hearing before the Financial Services Tribunal has been made in respect of the Notice of Proposal to make the Declaration;

NOW THEREFORE TAKE NOTICE I declare pursuant to sections 83 and 89 of the Act that the Guarantee Fund applies to the Plan for the following reasons:

REASONS FOR THE PROPOSED DECLARATION:

1. The Employer, Ford-Smith Machine Company Limited, no longer exists and has had its assets liquidated by the Interim Receiver to pay its secured creditors.
2. The administrator has estimated that there are insufficient assets in the Plan to cover the wind up liabilities of the Plan as at April 1, 2004, the deficit being $263,700.
3. The administrator does not expect there to be any recovery from the estate or the liquidated assets of the Employer to meet any or all of the deficit in the Plan.
4. There are reasonable and probable grounds for concluding that the funding requirements of the Act and regulation cannot be satisfied

DATED at North York, Ontario this 12th day of April, 2005.

Tom Golfetto
Director, Pension Plans Branch

IN THE MATTER OF the *Pension Benefits Act*, R.S.O. 1990, c. P. 8, as amended (the "Act");

AND IN THE MATTER OF a Proposal by the Superintendent of Financial Services to make a Declaration under Section 83 of the Act respecting the **Retirement Plan for Salaried Employees** of **National Refractories & Minerals Inc., Registration Number 0931964 (the Pension Plan");**

TO: **Cowan Wright Beauchamp Limited**
100 Regina Street S., Suite 270
Box 96
Waterloo, ON N2J 3Z6

Attention: Donna Wolfe
Senior Actuarial Technician
Administrator of the Pension Plan

AND TO: **National Refractories & Minerals Inc.**
c/o Development Specialists, Inc.
333 Grand Ave., Suite 2100
Los Angeles, California,
90071-1524

Attention: Bradley Sharp
Court Appointed Responsible Individual
Employer

AND TO: **Schwartz Levitsky Feldman Inc.**
1167 Caledonia Road
Toronto, ON M6A 2X1

Attention: James Graham
Interim Receiver for National Refractories & Minerals Inc.

DECLARATION

WHEREAS:

1. The Pension Plan is registered under the Act; and
2. The Pension Plan provides defined benefits that are not exempt from the application of the Pension Benefits Guarantee Fund (the "Guarantee Fund") by the Act or the regulations made thereunder; and
3. The Pension Plan was wound up in full effective December 20, 2002; and
4. The Superintendent of Financial Services appointed Cowan Wright Beauchamp Limited as the administrator (the "Administrator") of the Pension Plan on March 30, 2004; and
5. On March 23, 2005, the Deputy Superintendent, Pensions issued a Notice of Proposal dated March 21, 2005 to make a Declaration that the Guarantee Fund applies to the Pension Plan; and
6. No notice requiring a hearing by the Financial Services Tribunal, pursuant to subsection 89 (6) of the Act, has been received.

NOW THEREFORE TAKE NOTICE I declare pursuant to sections 83 and 89 of the Act that the Guarantee Fund applies to the Pension Plan for the following reasons:

1. The application is made for a Guarantee Fund declaration is based on the preliminary actuarial valuation of the Pension Plan as at December 20, 2002. The preliminary valuation was prepared by the actuary and indicated a potential PBGF claim as at May 18, 2004 of approximately $98,600.

2. On March 13, 2003, the Ontario Superior Court of Justice in Bankruptcy appointed Schwartz Levitsky Feldman Inc. as interim receiver of the Company. The Company's parent having previously filed for Chapter 11 protection under the United States Bankruptcy Code and is now in bankruptcy.
3. The Administrator advises that the Interim Receiver has advised them that there are no funds available to the pension fund or any unsecured creditors.
4. The Administrator has advised that they are reasonable and probable grounds for considering that the funding requirements of the Act and Regulation cannot be satisfied.

DATED at North York, Ontario this 9th day of May, 2005.

Tom Golfetto
Director, Pension Plans Branch
by Delegated Authority from the
Superintendent of Financial Services

IN THE MATTER OF the *Pension Benefits Act*, R.S.O. 1990, c. P. 8, as amended (the"Act");

AND IN THE MATTER OF a Proposal by the Superintendent of Financial Services to make a Declaration under Section 83 of the Act respecting the **Pension Plan for Bargaining Unit Employees of Slater Steel Inc. Hamilton Speciality Bar Division, Registration Number 0308320 (the "Pension Plan");**

TO: **Morneau Sobeco**
895 Don Mills Road, Suite 700
One Morneau Sobeco Centre
Toronto ON M3C 1W3

Attention: David Kearney
Principal
Administrator of the Pension Plan

AND TO: **Slater Steel Inc. Hamilton Specialty Bar Division**
PO Box 2943 Hamilton,
Stn. LCD 1
319 Sherman Avenue North
Hamilton, ON L8N 3P9

Attention: Peter Melnick
Controller
Employer

AND TO: **PricewaterhouseCoopers Inc.**
145 King Street West
Toronto, ON M5H 1V8

Attention: Jeff Rosenberg
Receiver for Slater Steel Inc.

AND TO: **United Steelworkers of America, District 6**
1031 Barton Street
Hamilton, ON L8L 3E3

Attention: Bryan Adamczyk
Staff Representative Local 4752
Union

DECLARATION

WHEREAS:

1. The Pension Plan is registered under the *Pension Benefits Act*, R.S.O. 1990, c. P. 8 as amended by the Financial Services Commission of Ontario Act, 1997, c. 28, (the "Act"); and
2. The Pension Plan provides defined benefits that are not exempt from the application of the Pension Benefits Guarantee Fund (the "Guarantee Fund") by the Act or the regulations made thereunder; and
3. Slater Steel Inc. issued a notice pursuant to section 68(2) of the Act to wind up the Pension Plan effective May 28, 2004. The notice was provided to members and former members of the Pension Plan and to any other persons entitled to payment from the Pension Plan. A copy of the notice was also provided to the Superintendent as required by the Act.; and
4. On February 28, 2005, the Deputy Superintendent, Pensions issued a Notice of Proposal dated February 28, 2005 to make a Declaration that the Guarantee Fund applies to the Pension Plan; and
5. No notice requiring a hearing by the Financial Services Tribunal, pursuant to subsection 89 (6) of the Act, has been received.

NOW THEREFORE TAKE NOTICE I declare pursuant to sections 83 and 89 of the Act that the Guarantee Fund applies to the Pension Plan for the following reasons:

1. The most-recent actuarial valuation report on the Pension Plan was prepared as of December 31, 1999 by Eckler Partners Ltd. This valuation determined that the Pension Plan had solvency assets of $70,286,000. solvency liabilities of $77,758,000. and a solvency deficiency (excluding the solvency asset adjustment) of $7,472,000. as at December 31, 1999. The valuation also stipulated that the wind up liabilities exceeded wind up assets by $9,790,000. and the Pension Plan had a transfer ratio of 90.4%
   Furthermore, the Administrator has filed an Actuarial Opinion by the Pension Plan actuary in which the actuary stipulated that the Pension Plan's assets are not sufficient to cover the liabilities of the Pension Plan on a wind up basis.
2. PricewaterhouseCoopers Inc. was appointed Receiver for Slater Steel Inc. on August 30, 2004 by the Ontario Superior Court of Justice.
3. Morneau Sobeco (Regulatory Services) Inc. was appointed as administrator of the Pension Plan on September 4, 2004 by the Superintendent.
4. The Administrator has advised staff that they will be filing a Proof of Claim with the estate of Slater Steel Inc. in respect of the deficiency in the Pension Plan. However, they were advised by the Receiver that there are no funds available for distribution to the Pension Plan.
5. The Administrator has also advised staff that there are reasonable and probable grounds for considering that the funding requirements of the Act and Regulation cannot be satisfied.

DATED at Toronto, Ontario this 11th day of May, 2005.

Tom Golfetto
Director, Pension Plans Branch
by Delegated Authority from
the Superintendent of Financial Services

IN THE MATTER OF the *Pension Benefits Act*, R.S.O. 1990, c. P. 8, as amended (the "Act");

AND IN THE MATTER OF a Proposal by the Superintendent of Financial Services to make a Declaration under Section 83 of the Act respecting the **Slater Steel Inc. Pension Plan for Corporate Employees and Salaried Employees of Hamilton Speciality Bar Division, Registration Number 0308338 (the "Pension Plan");**

TO: **Morneau Sobeco**
895 Don Mills Road, Suite 700
One Morneau Sobeco Centre
Toronto, ON M3C 1W3

Attention: David Kearney
Principal
Administrator of the Pension Plan

AND TO: **Slater Steel Inc. Hamilton Specialty Bar Division**
PO Box 2943 Hamilton,
Stn. LCD 1
319 Sherman Avenue North
Hamilton, ON L8N 3P9

Attention: Peter Melnick
Controller
Employer

AND TO: **PricewaterhouseCoopers Inc.**
145 King Street West
Toronto, ON M5H 1V8

Attention: Jeff Rosenberg
Receiver for Slater Steel Inc.

DECLARATION

WHEREAS:

1. The Pension Plan is registered under the *Pension Benefits Act*, R.S.O. 1990, c. P. 8 as amended by the *Financial Services Commission of Ontario Act*, 1997, c. 28, (the "Act"); and
2. The Pension Plan provides defined benefits that are not exempt from the application of the Pension Benefits Guarantee Fund (the "Guarantee Fund") by the Act or the regulations made thereunder; and
3. Slater Steel Inc. issued a notice pursuant to section 68(2) of the Act to wind up the Pension Plan effective May 28, 2004. The notice was provided to members and former members of the Pension Plan and to any other persons entitled to payment from the Pension Plan. A copy of the notice was also provided to the Superintendent as required by the Act.; and
4. On February 28, 2005, the Deputy Superintendent, Pensions issued a Notice of Proposal dated February 28, 2005 to make a Declaration that the Guarantee Fund applies to the Pension Plan; and
5. No notice requiring a hearing by the Financial Services Tribunal, pursuant to subsection 89 (6) of the Act, has been received.

NOW THEREFORE TAKE NOTICE I declare pursuant to sections 83 and 89 of the Act that the Guarantee Fund applies to the Pension Plan for the following reasons:

1. The most-recent actuarial valuation report on the Pension Plan was prepared as of December 31, 2001 by Eckler Partners

Ltd. This valuation determined that the Pension Plan had solvency assets of $20,172,000., solvency liabilities of $22,822,000. and a solvency deficiency (excluding the solvency asset adjustment) of $2,650,000. as at December 31, 2001 and a transfer ratio of 88.4% . Furthermore, the Administrator has filed an Actuarial Opinion by the Pension Plan actuary in which the actuary stipulated that the Pension Plan's assets are not sufficient to cover the liabilities of the Pension Plan on a wind up basis.

2. PricewaterhouseCoopers Inc. was appointed Receiver for Slater Steel Inc. on August 30, 2004 by the Ontario Superior Court of Justice.
3. Morneau Sobeco (Regulatory Services) Inc. was appointed as administrator of the Pension Plan on September 4, 2004 by the Superintendent.
4. The Administrator has advised staff that they will be filing a Proof of Claim with the estate of Slater Steel Inc. in respect of the deficiency in the Pension Plan. However, they were advised by the Receiver that there are no funds available for distribution to the Pension Plan.
5. The Administrator has also advised staff that there are reasonable and probable grounds for considering that the funding requirements of the Act and Regulation cannot be satisfied.

DATED at Toronto, Ontario this 11th day of May, 2005.

Tom Golfetto
Director, Pension Plans Branch
by Delegated Authority from
the Superintendent of Financial Services

IN THE MATTER of the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the "Act");

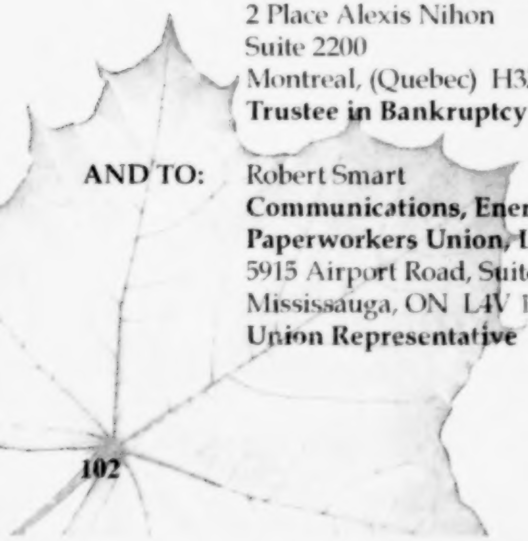
AND IN THE MATTER of a Proposal of the Superintendent of Financial Services to make an Order under section 83 of the Act, respecting the **Retirement Plan for Employees of Imperial Home Decor Group Canada ULC, Registration Number 596254;**

TO:
Debbie Gallagher
Consultant
Morneau Sobeco
895 Don Mills Road, Suite 700
One Morneau Sobeco Centre
Toronto, ON M3C 1W3
Administrator

AND TO:
Tracy Kooser
Vice-President Human Resources
Imperial Home Decor Group Canada ULC
23645 Mercantile Road
Cleveland, OH 44122
U. S. A.
Employer

AND TO:
Yves Vincent, CA
Administrator
Richter & Associates Inc.
2 Place Alexis Nihon
Suite 2200
Montreal, (Quebec) H3Z 3C2
Trustee in Bankruptcy

AND TO:
Robert Smart
Communications, Energy and Paperworkers Union, Local 304
5915 Airport Road, Suite 510
Mississauga, ON L4V 1T1
Union Representative



DECLARATION

I DECLARE pursuant to sections 83 and 89 of the Act that the Pension Benefits Guarantee Fund (Guarantee Fund) applies to the Plan for the following reasons:

1. The Plan is registered under the Act, and
2. The Plan provides defined benefits that are not exempt from the application of the Guarantee Fund by the Act or the regulations made thereunder, and
3. The plan was wound up effective June 30, 2001; and
4. There are reasonable and probable grounds that the funding requirements of the Act and regulations cannot be satisfied. Based on the latest actuarial certification, the administrator has estimated the deficit in the plan at the wind up date to be $2,117,532 with a projected value of $4,051,350 at June 30, 2003. If funds become available from the estate of the employer, the administrator will be required to make an appropriate refund of any allocation amount received by the Plan from the Guarantee Fund.

DATED at Toronto, Ontario, this 5th day of July, 2005.

Tom Golfetto
Director, Pension Plans Branch
by Delegated Authority from
the Superintendent of Financial Services

IN THE MATTER of the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the "Act");

AND IN THE MATTER of a Proposal of the Superintendent of Financial Services to make an Declaration under section 83 of the Act, respecting the **Proboard Limited Employees' Pension Plan Registration Number 593814 (the "Plan");**

TO:
David R. Kearney
Morneau Sobeco
895 Don Mills Road, Suite 700
One Morneau Sobeco Centre
Toronto, ON M3C 1W3
Administrator

AND TO:
Steve Geddes
Director of Finance
Proboard Limited
P.O. Box 1600
Atikokan, ON P0T 1C0
Employer

AND TO:
Brian Deazeley CA CIRP
ISCA Financial Services
2172 Dunvegan Avenue
Oakville, ON L6J 6P1
Trustee in Bankruptcy

AND TO:
Rene Lindquist
National Representative
Communications, Energy and Paperworkers of Canada (Local 49-0)
516 South High Street
Thunder Bay, ON P7B 3M3
Union Representative

DECLARATION

NO request requiring a hearing was delivered to the Financial Services Tribunal within the time prescribed by subsection 89(6) of the Act requesting a Notice of Proposal to make a Declaration that the Pension Benefits Guarantee Fund applies to the Plan.

I THEREFORE DECLARE pursuant to sections 83 and 89 of the Act that the Pension Benefits Guarantee Fund applies to the Plan for the following reasons:

1. The Plan is registered under the Act, and
2. The Plan provides defined benefits that are not exempt from the application of the Guarantee Fund by the Act or the regulations made thereunder, and
3. The plan was wound up effective May 30, 2003 to October 6, 2003, and
4. There are reasonable and probable grounds that the funding requirements of the Act and regulations cannot be satisfied. The administrator has estimated the deficit in the Plan at the wind up date to be $1,265,000. If funds become available from the estate of the employer, the administrator will be required to make an appropriate refund of any allocation amount received by the Plan from the Pension Benefits Guarantee Fund.

DATED at Toronto, Ontario, this 7th day of July, 2005.

Tom Golfetto
Director, Pension Plans Branch by Delegated Authority from the Superintendent of Financial Services

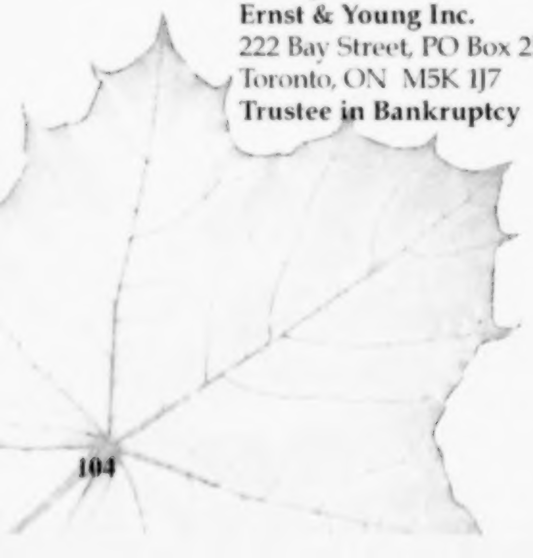
IN THE MATTER OF the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended by the *Financial Services Commission of Ontario Act, 1997*, R.S.O. 1997, c. 28; (the "Act");

AND IN THE MATTER OF a Proposal of the Superintendent of Financial Services to Make a Declaration under section 83 of the Act relating to the **Oxford Automotive Canada Ltd. Pension Plan for Hourly Employees Located at the Wallaceburg Plant, Registration Number 364356;**

TO: Tony Karkheck
Senior Vice-president
PricewaterhouseCoopers Inc.
1 Robert Speck Parkway,
Suite 1100
Mississauga, ON L4Z 3M3
Administrator

AND TO: Ms. Shelley McIntyre
Manager, Compensation & Benefits (Canada)
Oxford Automotive Canada Ltd.
100 Mason Street
Wallaceburg, ON N8A 2L3
Employer

AND TO: Ms. Rachel Pollock
Manager
Ernst & Young Inc.
222 Bay Street, PO Box 251
Toronto, ON M5K 1J7
Trustee in Bankruptcy



AND TO: Mr. Bill Pollock
President
United Auto Workers Union, Local 251
88 Elm Drive South
Wallaceburg, ON N8A 5E7
Union representative for the members of the Plan

DECLARATION

WHEREAS:

1. The Oxford Automotive Canada Ltd. Pension Plan for Hourly Employees Located at the Wallaceburg Plant, (the "Plan"), is registered under the Act as Registration Number 364356; and
2. The Plan provides defined benefits that are not exempt from the application of the Pension Benefits Guarantee Fund (the "Guarantee Fund") by the Act or the regulations made thereunder; and
3. On September 2, 2004 the employer assigned itself into voluntary bankruptcy; and
4. The Superintendent of Financial Services appointed Pricewaterhouse Coopers Inc. administrator of the Plan on October 12, 2004; and
5. On December 22, 2004 Pricewaterhouse Coopers Inc applied to the Superintendent of Financial Services for an Order that the Plan be wound up effective December 5, 2003 through March 1, 2004; and
6. On December 23, 2004 the administrator also filed an application for a Declaration that the Guarantee Fund applies to the Plan; and
7. The application for a Declaration includes an actuarial statement which indicates a deficiency in the Plan as at March 1, 2004

that would lead to a claim against the Guarantee Fund at that date of $7,317,480; and

8. The administrator has also filed an application for an interim allocation of the Guarantee Fund of $9,048,154 determined as of September 30, 2004 based upon the actuarial evaluation referred to in 6. above; and
9. The administrator has been advised by the trustee in bankruptcy that there is unlikely to be any funds available for the Plan from the estate of the employer; and
10. On May 11, 2005 a notice of proposal to make a Declaration that the Guarantee Fund applies to the Plan was issued and served by the Deputy Superintendent, Pensions; and
11. As of August 5, 2005, no request for a hearing before the Tribunal in respect of the notice of proposal to make a Declaration had been received;

NOW THEREFORE TAKE NOTICE I declare pursuant to sections 83 and 89 of the Act that the Guarantee Fund applies to the Plan for the following reasons

1. There is a potential claim of $9,048,154 against the Guarantee Fund based on the administrator's evaluation of the Plan as at September 30, 2004.
2. The employer, Oxford Automotive Canada Ltd., is bankrupt.
3. The administrator has been advised by the trustee in bankruptcy that there are unlikely to be any funds available for the Plan from the estate of the employer;
4. There are reasonable and probable grounds for concluding that the funding requirements of the Act and regulation cannot be satisfied.
5. If funds become available for the Plan from the Estate of Oxford Automotive Canada Ltd., the administrator will be required to make an appropriate refund of any allocation amounts received by the Plan from the Guarantee Fund that are not needed for the Plan.

DATED at North York, Ontario this 10th day of August, 2005.

Tom Golfetto
Director, Pension Plans Branch

IN THE MATTER OF the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended by the *Financial Services Commission of Ontario Act, 1997*, R.S.O. 1997, c. 28; (the "Act");

AND IN THE MATTER OF a Proposal of the Superintendent of Financial Services to Make a Declaration under section 83 of the Act relating to the **Oxford Automotive Canada Ltd. Pension Plan for Salaried Employees Located in Chatham and Wallaceburg, Ontario. Registration Number 1063023;**

TO: Tony Karkheck
Senior Vice-president
PricewaterhouseCoopers Inc.
1 Robert Speck parkway,
Suite 1100
Mississauga, ON L4Z 3M3
Administrator

AND TO: Ms. Shelley McIntyre
Manager, Compensation & Benefits (Canada)
Oxford Automotive Canada Ltd.
100 Mason Street
Wallaceburg,ON N8A 2L3
Employer

AND TO: Ms. Rachel Pollock
Manager
Ernst & Young Inc.
222 Bay Street, PO Box 251
Toronto, ON M5K 1J7
Trustee in Bankruptcy

DECLARATION

WHEREAS:

1. The Oxford Automotive Canada Ltd. Pension Plan for Salaried Employees Located in Chatham and Wallaceburg, Ontario. Registration Number 1063023 (the "Plan"), is registered under the Act as Registration Number 1063023; and
2. The Plan provides defined benefits that are not exempt from the application of the Pension Benefits Guarantee Fund (the "Guarantee Fund") by the Act or the regulations made thereunder; and
3. On September 2, 2004 the employer assigned itself into voluntary bankruptcy; and
4. The Superintendent of Financial Services appointed PricewaterhouseCoopers Inc. administrator of the Plan on October 12, 2004; and
5. On December 22, 2004 Pricewaterhouse Coopers Inc applied to the Superintendent of Financial Services for an Order that the Plan be wound up effective February 28, 2003 through March 1, 2004; and
6. On December 23, 2004 the administrator also filed an application for a Declaration that the Guarantee Fund applies to the Plan; and
7. The application for a Declaration includes an actuarial statement which indicates a deficiency in the Plan as at March 1, 2004 that would lead to a claim against the Guarantee Fund at that date of $2,341,993; and
8. The administrator has also filed an application for an interim allocation of the Guarantee Fund in the amount of $3,030,440 determined as of September 30, 2004 based upon the actuarial evaluation referred to in 6. above; and
9. The administrator has been advised by the trustee in bankruptcy that there are unlikely to be any funds available for the Plan from the estate of the employer; and
10. On May 11, 2005 a notice of proposal to

make a Declaration that the Guarantee Fund applies to the Plan was issued and served by the Deputy Superintendent, Pensions; and

11. As of August 5, 2005, no request for a hearing before the Tribunal in respect of the notice of proposal to make a Declaration had been received;

NOW THEREFORE TAKE NOTICE I declare pursuant to sections 83 and 89 of the Act that the Guarantee Fund applies to the Plan for the following reasons:

1. There is a potential claim of $3,030,440 against the Guarantee Fund based on the administrator's preliminary evaluation of the Plan as at September 30, 2004.
2. The employer, Oxford Automotive Canada Ltd., is bankrupt.
3. The administrator has been advised by the trustee in bankruptcy that there are unlikely to be any funds available for the Plan from the estate of the employer;
4. There are reasonable and probable grounds for concluding that the funding requirements of the Act and regulation cannot be satisfied.
5. If funds become available for the Plan from the Estate of Oxford Automotive Canada Ltd., the administrator will be required to make an appropriate refund of any allocation amounts received from the Guarantee Fund that are not needed for the Plan.

DATED at North York, Ontario this 10th day of August, 2005.

Tom Golfetto
Director, Pension Plans Branch

IN THE MATTER of the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the "Act");

AND IN THE MATTER of a Proposal of the Superintendent of Financial Services to make an Order under section 83 and 89 of the Act, respecting the **Pension Plan for Hourly-Rated Employees of Dunlop (Canada) Inc. who are Members of Local 974 (USWA) (the "Plan") Registration Number 0375048;**

TO: Sharon Carew
Director
PricewaterhouseCoopers Inc.
Mississauga Executive Centre
One Robert Speck Parkway,
Suite 1100
Mississauga, ON L4Z 3M3
Administrator

AND TO: **Dunlop (Canada) Inc.**
330 Byron Street South
Whitby, ON L1N 4P8
Employer

AND TO: Jake Weibe
Grant Thornton Limited
P.O. Box 55, Royal Bank Plaza
19th Floor, South Tower
Toronto, ON M5J 2P9
Trustee in Bankruptcy

AND TO: **John O'Connor**
330 Byron Street South
Oshawa, ON L1H 7N1
Union Representative

DECLARATION

NO request requiring a hearing was delivered to the Financial Services Tribunal within the time prescribed by subsection 89(6) of the Act requesting a Notice of Proposal to make a Declaration that the Pension Benefits Guarantee Fund applies to the Plan.

I DECLARE pursuant to sections 83 and 89 of the Act that the Pension Benefits Guarantee Fund (Guarantee Fund) applies to the Plan for the following reasons:

1. The Plan is registered under the Act, and;
2. The Plan provides defined benefits that are not exempt form the application of the Pension Benefits Guarantee Fund by the Act or the regulations made thereunder, and;
3. The plan was wound up effective **between October 22, 2004 and October 29, 2004**, and;
4. There are reasonable and probable grounds that the funding requirements of the Act and regulations cannot be satisfied.

Based on the latest actuarial certification, there is an estimated claim against the Guarantee Fund of $383,100 as at February 28, 2005. If funds become available from the estate of the employer, the administrator will be required to make an appropriated refund of any allocation amount received by the Plan from the Pension Benefits Guarantee Fund.

DATED at Toronto, Ontario, this 7th day of September, 2005.

Tom Golfetto
Director, Pension Plans Branch
by Delegated Authority from
the Superintendent of Financial Services

Allocations of Money from the Pension Benefits Guarantee Fund

IN THE MATTER OF the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended by the *Financial Services Commission of Ontario Act, 1997*, R.S.O. 1997, c. 28; (the "Act");

AND IN THE MATTER OF a Declaration by the Superintendent of Financial Services under section 83 of the Act relating to the **Retirement Plan for Employees of Outboard Marine Corporation of Canada Ltd. Registration Number 232975;**

TO: **Morneau Sobeco**
895 Don Mills Road, Suite 700
One Morneau Sobeco Centre
Toronto, ON M3C 1W3

Attention: Mr. David R. Kearney, Principal
Appointed Administrator of the Plan

AND TO: **Outboard Marine Corporation of Canada Ltd.**
100 Sea-Horse Drive
Waukegan, IL 60085

Attention: Ms. Darlene Lomax, Manager
Benefits Administration
Employer

AND TO: **Ernst & Young**
35 Metcalfe Street, Suite 1600
Ottawa, ON K1P 6L5

Attention: Mr. Greg Adams
Disbursement Receiver

ALLOCATION

WHEREAS on the 10th day of March, 2005 a declaration was made, pursuant to sections 83 and 89 of the Act, that the Pension Benefits Guarantee Fund (the "Guarantee Fund") applies to the Plan;

NOW THEREFORE I shall allocate from the Guarantee Fund and pay to the Plan, pursuant to subsection 34(7) of R.R.O. 1990, Reg. 909, under the Act (the "Regulation"), an amount not to exceed $1,927,600 that is expected to provide, together with the Ontario assets of the Plan, for the benefits determined in accordance with section 34 of the Regulation, and to pay the reasonable administration costs to wind up the Plan. Any money allocated from the Guarantee Fund but not required to provide such benefits or costs shall be returned to the Guarantee Fund.

DATED at North York, Ontario, this 19th day of April, 2005.

K. David Gordon
Deputy Superintendent, Pensions

IN THE MATTER OF the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended by the *Financial Services Commission of Ontario Act, 1997*, R.S.O. 1997, c. 28; (the "Act");

AND IN THE MATTER OF a Declaration by the Superintendent of Financial Services under section 83 of the Act relating to the **Pension Plan for Employees of Outboard Marine Corporation of Canada Ltd. Registration Number 232967;**

TO: **Morneau Sobeco**
895 Don Mills Road, Suite 700
One Morneau Sobeco Centre
Toronto, ON M3C 1W3

Attention: Mr. David R. Kearney, Senior Consultant
Appointed Administrator of the Plan

AND TO: **Outboard Marine Corporation of Canada Ltd.**
100 Sea-Horse Drive
Waukegan, IL 60085

Attention: Ms. Darlene Lomax, Manager Benefits Administration
Employer

AND TO: **Ernst & Young**
35 Metcalfe Street, Suite 1600
Ottawa, ON K1P 6L5

Attention: Mr. Greg Adams
Disbursement Receiver

ALLOCATION

WHEREAS on the 10th day of March, 2005 a declaration was made, pursuant to sections 83 and 89 of the Act, that the Pension Benefits Guarantee Fund (the "Guarantee Fund") applies to the Plan;

NOW THEREFORE I shall allocate from the Guarantee Fund and pay to the Plan, pursuant to subsection 34(7) of R.R.O. 1990, Reg. 909, under the Act (the "Regulation"), an amount not to exceed $654,200 that is expected to provide, together with the Ontario assets of the Plan, for the benefits determined in accordance with section 34 of the Regulation, and to pay the reasonable administration costs to wind up the Plan. Any money allocated from the Guarantee Fund but not required to provide such benefits or costs shall be returned to the Guarantee Fund.

DATED at North York, Ontario, this 19th day of April, 2005.

K. David Gordon
Deputy Superintendent, Pensions

IN THE MATTER OF the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the "Act");

AND IN THE MATTER OF a Declaration under section 83 of the Act relating to the **Employees' Retirement Plan of Hoskins Alloys of Canada Limited, Registration Number 557868 (the "Plan");**

TO: **PricewaterhouseCoopers Inc.**
1 Robert Speck Parkway,
Suite 1100
Mississauga, ON L4Z 3M3

Attention: Mr. Tony Karkheck,
Human Resource Services
Appointed Administrator

AND TO: **Hoskins Manufacturing Co.**
39500 High Pointe Boulevard,
Suite 300
Novi, MI 48375

Attention: Phillip Varvatos, Controller
Employer

ALLOCATION

WHEREAS on the 12th day of October, 2004 a declaration was made, pursuant to sections 83 and 89 of the Act, that the Pension Benefits Guarantee Fund (the "Guarantee Fund") applies to the Plan; and on the 29th day of December, 2004 pursuant to the administrator's request, an allocation in the amount of $306,700 was made from the Guarantee Fund to the Plan; and in consideration of the administrator's request for a further allocation from the Guarantee Fund in the amount of $13,000;

NOW THEREFORE I shall allocate from the Guarantee Fund and pay to the Plan, pursuant to subsection 34(7) of R.R.O. 1990, Reg. 909, under the Act (the "Regulation"), an amount not to exceed $13,000 that is expected to provide, together with the previous allocation of $306,700 and the remaining assets of the Plan, for the benefits determined in accordance with section 34 of the Regulation, and to pay the reasonable administration costs to wind up the Plan. Any money allocated from the Guarantee Fund but not required to provide such benefits or costs shall be returned to the Guarantee Fund.

DATED at North York, Ontario, this 19th day of April, 2005.

K. David Gordon
Deputy Superintendent, Pensions

IN THE MATTER OF the *Pension Benefits Act*, R.S.O. 1990, c. P. 8, as amended by the *Financial Services Commission of Ontario Act, 1997*, S.O. 1997, c. 28 (the "Act");

AND IN THE MATTER OF a Declaration by the Superintendent of Financial Services under Section 83 of the Act, respecting the **Pension Plan for Employees of Ryancon, Registration Number 298430, (the "Plan");**

TO: **PricewaterhouseCoopers Inc.**
1 Robert Speck Parkway,
Suite 1100
Mississauga, ON L4Z 3M3

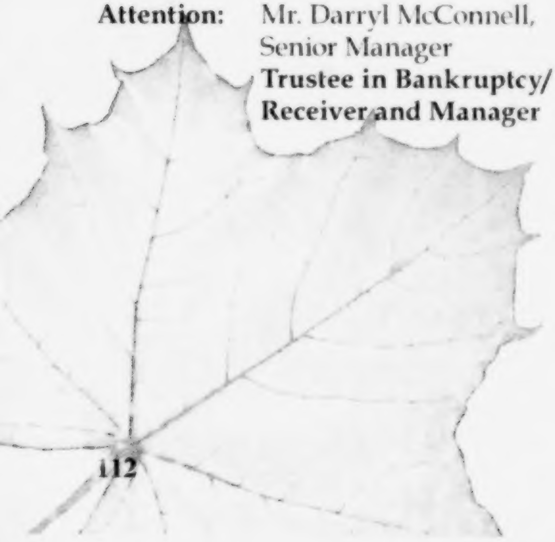
Attention: Mr. Tony Karkheck
Appointed Administrator

AND TO: **Ryancon**
144 Sharer Road
Vaughan, ON L4L 8P4

Attention: John D. Hains, Chief Financial Officer
Employer

AND TO: **BDO Dunwoody Limited**
33 City Centre Drive, Suite 680
Mississauga, ON L5B 2N5

Attention: Mr. Darryl McConnell,
Senior Manager
Trustee in Bankruptcy/
Receiver and Manager



ALLOCATION

WHEREAS on the 23rd day of July, 2004 a declaration was made, pursuant to sections 83 and 89 of the Act, that the Pension Benefits Guarantee Fund (the "Guarantee Fund") applies to the Plan;

NOW THEREFORE I shall allocate from the Guarantee Fund and pay to the Plan, pursuant to subsection 34(7) of R.R.O. 1990, Reg. 909, under the Act (the "Regulation"), an amount not toexceed $687,100 that is expected to provide, together with the Ontario assets of the Plan, for the benefits determined in accordance with section 34 of the Regulation, and to pay the reasonable administration costs to wind up the Plan. Any money allocated from the Guarantee Fund but not required to provide such benefits or costs shall be returned to the Guarantee Fund.

DATED at North York, Ontario, this 19th day of April, 2005.

K. David Gordon
Deputy Superintendent, Pensions

IN THE MATTER OF the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended by the *Financial Services Commission of Ontario Act, 1997*, R.S.O. 1997, c. 28; (the "Act");

AND IN THE MATTER OF a Proposal of the Superintendent of Financial Services to Make a Declaration under section 83 of the *Act* relating to the **Pension Plan for Hourly Employees of Ford-Smith Machine Company Limited, Registration Number 541565 (the "Plan");**

TO: **Morneau Sobeco**
895 Don Mills Road, Suite 700
1 Morneau Sobeco Centre
Toronto, ON M3C 1W3

Attention: David R. Kearney, Senior Consultant
Administrator

AND TO: **Ford-Smith Machine Company Limited.**
901 Arvin Avenue
Stoney Creek, ON L8E 5N9

Attention: Brian Thwaites
Employer

AND TO: **Grant Thornton Limited**
19th Floor, South Tower
Royal Bank Plaza
200 Bay Street, Box 55
Toronto, ON M5J 2P9

Attention: Mr. Jake Weibe
Interim Receiver

AND TO: **United Steelworkers of America, Local 4843**
1031 Barton Street East
Hamilton, ON L8L 3E3

Attention: Roy Leslie
Union Representative for the members of the Plan

ALLOCATION

WHEREAS on the 12th April, 2005 a declaration was made, pursuant to sections 83 and 89 of the Act, that the Pension Benefits Guarantee Fund (the "Guarantee Fund") applies to the Pension Plan for Hourly Employees of Ford-Smith Machine Company Limited, Registration Number 541565 (the "Plan");

NOW THEREFORE I shall allocate from the Guarantee Fund and pay to the Plan, pursuant to subsection 34(7) of R.R.O. 1990, Reg. 909, under the Act (the "Regulation"), an amount not to exceed $1,596,600 to provide, together with the Ontario assets of the Plan, for the benefits determined in accordance with section 34 of the Regulation, and to pay the reasonable administration costs to wind up the Plan. Any money allocated from the Guarantee Fund but not required to provide such benefits or costs shall be returned to the Guarantee Fund.

DATED at North York, Ontario this 20th day of April, 2005.

K. David Gordon
Deputy Superintendent, Pensions

IN THE MATTER OF the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended by the *Financial Services Commission of Ontario Act, 1997*, R.S.O. 1997, c. 28; (the "Act");

AND IN THE MATTER OF a Proposal of the Superintendent of Financial Services to Make a Declaration under section 83 of the Act relating to the **Non-Contributory Retirement Plan for Salaried Employees of Ford-Smith Machine Company Limited, Registration Number 288845 (the "Plan");**

TO: **Morneau Sobeco**
895 Don Mills Road, Suite 700
1 Morneau Sobeco Centre
Toronto, ON M3C 1W3

Attention: David R. Kearney, Senior Consultant
Administrator

AND TO: **Ford-Smith Machine Company Limited**
901 Arvin Avenue
Stoney Creek, ON L8E 5N9

Attention: Brian Thwaites
Employer

AND TO: **Grant Thornton Limited**
19th Floor, South Tower
Royal Bank Plaza
200 Bay Street, Box 55
Toronto, ON M5J 2P9

Attention: Mr. Jake Weibe
Interim Receiver

ALLOCATION

WHEREAS on the 12th April, 2005 a declaration was made, pursuant to sections 83 and 89 of the Act, that the Pension Benefits Guarantee Fund (the "Guarantee Fund") applies to the Non-Contributory Retirement Plan for Salaried Employees of Ford-Smith Machine Company Limited, Registration Number 288845 (the "Plan");

NOW THEREFORE I shall allocate from the Guarantee Fund and pay to the Plan, pursuant to subsection 34(7) of R.R.O. 1990, Reg. 909, under the Act (the "Regulation"), an amount not to exceed $347,300 to provide, together with the Ontario assets of the Plan, for the benefits determined in accordance with section 34 of the Regulation, and to pay the reasonable administration costs to wind up the Plan. Any money allocated from the Guarantee Fund but not required to provide such benefits or costs shall be returned to the Guarantee Fund.

DATED at North York, Ontario this 20th day of April, 2005.

K. David Gordon
Deputy Superintendent, Pensions

IN THE MATTER of the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the "Act");

AND IN THE MATTER of a Proposal of the Superintendent of Financial Services to make an Order under section 83 and 89 of the Act, respecting the **Commercial Aluminum (1993) Limited Hourly Employees Pension Plan (the "Plan") Registration Number 1010289;**

TO: Andre Choquet, FCIA, FSA
Actuary
Thompson Actuarial Limited
87 Woverleigh Blvd.
Toronto, OSN M4J 1R8
Mississauga, ON L4Z 3M3
Administrator

AND TO: Suzanne Lam-Fitzgibbon
Commercial Aluminum Limited
240 Barton
300 Byron Street South
Whitby, ON L1N 4P8
Employer

AND TO: Brahm Rosen
Senior Vice President
SF Partners Inc. (formerly Solursh Feldman Goldberg Inc.)
The Madison centre
4950 Yonge Street, Suite 400
Toronto, ON M2N 6K1
Trustee in Bankruptcy

AND TO: Wess Dowsett
Staff Representative
United Steelworkers of America
115 Albert Street, P.O. Box 946
Oshawa, ON L1H 7N1
Union Representative

ALLOCATION

WHEREAS on December 17, 2004, the Director, Pension Plans Branch declared, pursuant to sections 83 and 89 of the Act, that the Pension Benefits Guarantee Fund (the "Guarantee Fund") applies to the Pension Plan;

NOW THEREFORE I shall allocate from the Guarantee Fund and pay to the Pension Plan, pursuant to subsection 34(7) of R.R.O. 1990, Reg. 909, under the Act (the "Regulation"), an amount not to exceed $195,166 which together with the Ontario assets of the Pension Plan, will provide for the benefits determined in accordance with section 34 of the Regulation. Any money allocated from the Guarantee Fund but not required to provide such benefits shall be returned to the Guarantee Fund.

DATED at Toronto, Ontario, this 21st day of June, 2005.

K. David Gordon
Deputy Superintendent, Pensions

IN THE MATTER of the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the "Act");

AND IN THE MATTER of a Proposal of the Superintendent of Financial Services to make an Order under section 83 and 89 of the Act, respecting the **Pension Plan for Bargaining Unit Employees of Slater Steel Inc. Hamilton Speciality Bar Division (the "Plan") Registration Number 0308320;**

TO:
David Kearney
Principal
Morneau Sobeco
(Regulatory Services) Inc.
895 Don Mills Road, Suite 700
One Morneau Sobeco Centre
Toronto, ON M3C 1W3
Administrator

AND TO:
Peter Melnick
Controller
Slater Steel Inc. Hamilton
Special Bar Division
PO Box 2943 Hamilton Stn. LCD 1
319 Sherman Avenue North
Hamilton, ON L8N 3P9
Employer

AND TO:
Jeff Rosenberg
PricewaterhouseCoopers Inc.
145 King Street West
Toronto, ON M5H 1V8
Receiver

AND TO:
Bryan Adamczyk
United Steelworkers of
America, District 6
1031 Barton Street
Hamilton, ON L8L 3E3
Union Representative

ALLOCATION

WHEREAS on May 11, 2005, the Director, Pension Plans Branch declared, pursuant to sections 83 and 89 of the Act, that the Pension Benefits Guarantee Fund (the "Guarantee Fund") applies to the Pension Plan;

NOW THEREFORE I shall allocate from the Guarantee Fund and pay to the Pension Plan, pursuant to subsection 34(7) of R.R.O. 1990, Reg. 909, under the Act (the "Regulation"), an amount not to exceed $55,295,000 which together with the Ontario assets of the Pension Plan, will provide for the benefits determined in accordance with section 34 of the Regulation. Any money allocated from the Guarantee Fund but not required to provide such benefits shall be returned to the Guarantee Fund.

DATED at Toronto, Ontario, this 30th day of June, 2005

K. David Gordon
Deputy Superintendent, Pensions

IN THE MATTER of the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the "Act");

AND IN THE MATTER of a Proposal of the Superintendent of Financial Services to make an Order under section 83 and 89 of the Act, respecting the **Retirement Plan for Salaried Employees of National Refractories & Minerals Inc. (the "Plan") Registration Number 0931964;**

TO:
Donna Wolfe
Senior Actuarial Technician
Cowan Wright Beauchamp Limited
100 Regina Street S., Suite 270
Box 96
Waterloo, ON N2J 3Z6
Administrator

AND TO:
Bradley Sharp
Court Appointed Responsible Individual
National Refractories & Minerals Inc.
c/o Development Specialists, Inc.
333 Grand Ave., Suite 2100
Los Angeles, California,
90071-1524
Employer

AND TO:
James Graham
Schwartz Levitsky Feldman Inc.
1167 Caledonia Road
Toronto, ON M6A 2X1
Interim Receiver

ALLOCATION

WHEREAS on May 9, 2005, the Director, Pension Plans Branch declared, pursuant to sections 83 and 89 of the Act, that the Pension Benefits Guarantee Fund (the "Guarantee Fund") applies to the Pension Plan;

NOW THEREFORE I shall allocate from the Guarantee Fund and pay to the Pension Plan, pursuant to subsection 34(7) of R.R.O. 1990, Reg. 909, under the Act (the "Regulation"), an amount not to exceed **$257,274** which together with the Ontario assets of the Pension Plan, will provide for the benefits determined in accordance with section 34 of the Regulation. Any money allocated from the Guarantee Fund but not required to provide such benefits shall be returned to the Guarantee Fund.

DATED at Toronto, Ontario, this 14th day of July 2005

K. David Gordon
Deputy Superintendent, Pensions

IN THE MATTER OF the *Pension Benefits Act*, R.S.O. 1990, c. P. 8, as amended by the *Financial Services Commission of Ontario Act,1997*, S.O. 1997, c. 28 (the "Act");

AND IN THE MATTER OF a Declaration by the Superintendent of Financial Services under Section 83 of the Act, respecting the **Oxford Automotive Canada Ltd. Pension Plan for Salaried Employees Located in Chatham and Wallaceburg, Ontario, Registration Number 1063023 (the "Plan");**

TO: Mr. Tony Karkheck
PricewaterhouseCoopers Inc.
1 Robert Speck Parkway,
Suite 1100
Mississauga, ON L4Z 3M3
Administrator

AND TO: Ms. Shelley McIntyre
Manager, Compensation & Benefits (Canada)
Oxford Automotive Canada Ltd.
100 Mason Street
Wallaceburg, ON N8A 2L3
Employer

AND TO: Ms. Rachel Pollock
Manager
Ernst & Young Inc.
222 Bay Street, PO Box 251
Toronto, ON M5K 1J7
Trustee in Bankruptcy

ALLOCATION

WHEREAS on the 10th day of August, 2005 a declaration was made, pursuant to sections 83 and 89 of the Act, that the Pension Benefits Guarantee Fund (the "Guarantee Fund") applies to the Plan;

NOW THEREFORE I shall allocate from the Guarantee Fund and pay to the Plan, pursuant to subsection 34(7) of R.R.O. 1990, Reg. 909, under the Act (the "Regulation"), an amount not to exceed $3,030,440 that is expected to provide, together with the Ontario assets of the Plan, for the benefits determined in accordance with section 34 of the Regulation, and to pay the reasonable administration costs to wind up the Plan. Any money allocated from the Guarantee Fund but not required to provide such benefits or costs shall be returned to the Guarantee Fund.

DATED at Toronto, Ontario, this 26th day of August, 2005.

K. David Gordon
Deputy Superintendent, Pensions

IN THE MATTER OF the *Pension BenefitsAct*, R.S.O. 1990, c. P. 8, as amended by the *Financial Services Commission of Ontario Act, 1997*, S.O. 1997, c. 28 (the "Act");

AND IN THE MATTER OF a Declaration by the Superintendent of Financial Services under Section 83 of the Act, respecting the **Oxford Automotive Canada Ltd. Pension Plan for Hourly Employees Located at the Wallaceburg Plant, Registration Number 364356 (the "Plan");**

TO:

Mr. Tony Karkheck
PricewaterhouseCoopers Inc.
1 Robert Speck Parkway,
Suite 1100
Mississauga, ON L4Z 3M3
Administrator

AND TO:

Ms. Shelley McIntyre
Manager, Compensation & Benefits (Canada)
Oxford Automotive Canada Ltd.
100 Mason Street
Wallaceburg, ON N8A 2L3
Employer

AND TO:

Ms. Rachel Pollock
Manager
Ernst & Young Inc.
222 Bay Street, PO Box 251
Toronto, ON M5K 1J7
Trustee in Bankruptcy

AND TO:

Mr. Bill Pollock
President
United Auto Workers Union, Local 251
88 Elm Drive South
Wallaceburg, ON N8A 5E7
Union representative for the members of the Plan

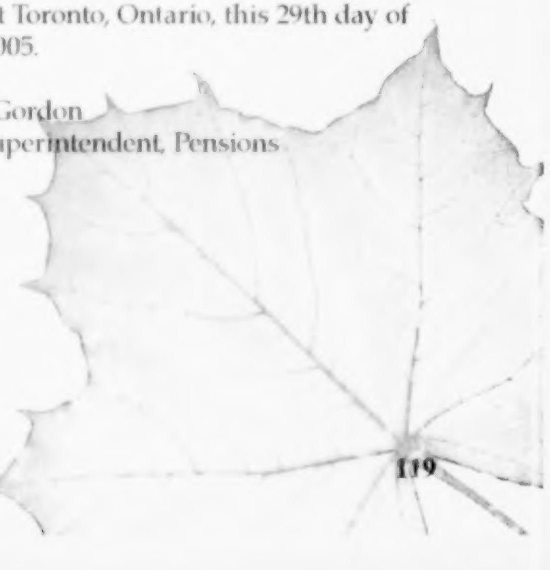
ALLOCATION

WHEREAS on the 10th day of August, 2005 a declaration was made, pursuant to sections 83 and 89 of the Act, that the Pension Benefits Guarantee Fund (the "Guarantee Fund") applies to the Plan;

NOW THEREFORE I shall allocate from the Guarantee Fund and pay to the Plan, pursuant to subsection 34(7) of R.R.O. 1990, Reg. 909, under the Act (the "Regulation"), an amount not to exceed $9,048,154 that is expected to provide, together with the Ontario assets of the Plan, for the benefits determined in accordance with section 34 of the Regulation, and to pay the reasonable administration costs to wind up the Plan. Any money allocated from the Guarantee Fund but not required to provide such benefits or costs shall be returned to the Guarantee Fund.

DATED at Toronto, Ontario, this 29th day of August, 2005.

K. David Gordon
Deputy Superintendent, Pensions



IN THE MATTER OF the *Pension Benefits Act*, R.S.O. 1990, c. P. 8, as amended by the *Financial Services Commission of Ontario Act, 1997*, S.O. 1997, c. 28 (the "Act");

AND IN THE MATTER OF a Declaration by the Superintendent of Financial Services under Section 83 of the Act, respecting the **Oxford Automotive Canada Ltd. Pension Plan for Union Employees Located at the Cambridge Plant, Registration Number 996926 (the "Plan");**

TO:
Mr. Tony Karkheck
PricewaterhouseCoopers Inc.
1 Robert Speck Parkway, Suite 1100
Mississauga, ON L4Z 3M3
Administrator

AND TO:
Ms. Shelley McIntyre
Manager, Compensation & Benefits (Canada)
Oxford Automotive Canada Ltd.
100 Mason Street
Wallaceburg, ON N8A 2L3
Employer

AND TO:
Ms. Rachel Pollock
Manager
Ernst & Young Inc.
222 Bay Street, PO Box 251
Toronto, ON M5K 1J7
Trustee in Bankruptcy

AND TO:
Mr. Sym Gill
National Director of Pensions
Canadian Auto Workers Union, Local 1986
205 Placer Court
Toronto, ON M2H 3H9
Union Representative for the Plan Members

ALLOCATION

WHEREAS on the 10th day of August, 2005 a declaration was made, pursuant to sections 83 and 89 of the Act, that the Pension Benefits Guarantee Fund (the "Guarantee Fund") applies to the Plan;

NOW THEREFORE I shall allocate from the Guarantee Fund and pay to the Plan, pursuant to subsection 34(7) of R.R.O. 1990, Reg. 909, under the Act (the "Regulation"), an amount not to exceed $5,770,738 that is expected to provide, together with the Ontario assets of the Plan, for the benefits determined in accordance with section 34 of the Regulation, and to pay the reasonable administration costs to wind up the Plan. Any money allocated from the Guarantee Fund but not required to provide such benefits or costs shall be returned to the Guarantee Fund.

DATED at North York, Ontario, this 29th day of August, 2005.

K. David Gordon
Deputy Superintendent, Pensions

FINANCIAL SERVICES TRIBUNAL ACTIVITIES

Appointments of Financial Services Tribunal Members

Name and O.C.	Effective Appointment Date	Expiry Date
McNairn, Colin (Chair)		
O.C. 1518/2004	August 11, 2004	August 10, 2006
O.C. 1192/2004	June 9, 2004	September 8, 2004
O.C. 1623/2001	June 20, 2001	June 19, 2004
O.C. 1809/98	July 8, 1998	July 7, 2001
Corbett, Anne (Vice-Chair)		
O.C. 1519/2004	August 11, 2004	August 10, 2006
O.C. 1193/2004	June 9, 2004	September 8, 2004
O.C. 1438/2001	June 20, 2001	June 19, 2004
Solursh, John M. (Vice-Chair)		
O.C. 2407/2004	February 25, 2005	February 24, 2008
O.C. 1521/2004	August 11, 2004	August 10, 2006
Ashe, Kevin		
O.C. 1510/2002	September 26, 2002	September 25, 2005
Bharmal, Shiraz Y.M.		
O.C. 1466/2005	September 21, 2005	September 20, 2008
O.C. 1511/2002	September 9, 2002	September 8, 2005
Brown, Martin J. K.		
O.C. 1522/2004	August 11, 2004	August 10, 2006
Erlichman, Louis		
O.C. 1082/2005	June 22, 2005	June 21, 2008
O.C. 44/2005	January 22, 2005	July 21, 2005
O.C. 439/2002	January 23, 2002	January 22, 2005
O.C. 2527/98	December 9, 1998	December 8, 2001
O.C. 1592/98	June 17, 1998	December 16, 1998
Gavin, Heather		
O.C. 1083/2005	June 22, 2005	June 21, 2008
O.C. 45/2005	January 22, 2005	July 21, 2005
O.C. 440/2002	January 23, 2002	January 22, 2005
O.C. 11/99	January 13, 1999	January 12, 2002
Harmer, Lily		
O.C. 2043/2004	December 1, 2004	November 30, 2006
Holden, Florence A.		
O.C. 1523/2004	August 11, 2004	August 10, 2006

Appointments of Financial Services Tribunal Members

Name and O.C.	Effective Appointment Date	Expiry Date
Litner, Paul W.		
O.C. 1465/2005	September 21, 2005	September 20, 2008
O.C. 1512/2002	September 9, 2002	September 8, 2005
Scane, Ralph Edward		
O.C. 1520/2004	August 11, 2004	August 10, 2006
Shilton, Elizabeth		
O.C. 758/2005	May 18, 2005	May 17, 2008
Short, David A.		
O.C. 2095/2004	November 3, 2004	November 2, 2006
O.C. 2118/2001	October 24, 2001	October 23, 2004

Pension Hearings Before the Financial Services Tribunal

Revised Retirement Plan for Employees of the Allen-Bradley Division of Rockwell International of Canada (now the Pension Plan for Employees of Rockwell Automation Canada Inc.), Registration Number 321554, and the Pension Plan for Salaried and Management Employees of Reliance Electric Limited, Registration Number 292946, FST File Number P0051-1999;

On May 18, 1999, members of the Reliance Plan, requested a hearing regarding a decision of the Director of the Pension Plans Branch of the Financial Services Commission, by delegated authority from the Superintendent of Financial Services, dated March 20, 1999, with respect to the transfer of assets from the Pension Plan for Salaried and Management Employees of Reliance Electric Limited to the Revised Retirement Plan for Employees of the Allen-Bradley Division of Rockwell International of Canada.

On June 2, 1999, an application for party status was filed by Rockwell Automation Canada Inc. At the pre-hearing conference on July 6, 1999 full party status was granted. The matter was then adjourned *sine die* as the Applicants indicated that an application would be made to the Superintendent requesting a wind up of the Reliance Plan and all parties agreed that it would be premature to proceed in this matter until the Superintendent has made a decision respecting the request for wind up.

The pre-hearing conference resumed on January 20, 2005, and subsequently continued on May 2, June 16, July 11 and November 9, 2005. The hearing is scheduled for November 16, 21 and 22, 2005.

Schering-Plough Healthcare Products Canada Inc. Salaried Employees' Pension Plan, Registration Number 297903, FST File Number P0085-1999;

On November 10, 1999, Schering-Plough Healthcare Products Canada Inc. filed a request for hearing regarding the Superintendent's Notice of Proposal dated October 14, 1999, ordering Schering-Plough Healthcare Products Canada Inc. to amend the partial wind up report with respect to its salaried pension plan as at August 31, 1996, so that provision is made for the distribution of the surplus attributable to the partial wind up group.

On March 27, 2000, Ken Reynolds, Michel Gariepy, Edward Taylor and Jim Wilson filed an application for party status. The matter was adjourned *sine die* on May 10, 2000 pending the outcome of the Monsanto case. On July 29, 2004, the Supreme Court of Canada released its decision in the *Monsanto* case. On September 2, 2004, the Superintendent requested a pre-hearing conference be scheduled.

The pre-hearing conference scheduled on December 15, 2004, was adjourned on consent of the parties and rescheduled for March 30, 2005. On March 10, 2005, the parties advised that a revised partial wind up report was filed with the Superintendent and requested that the pre-hearing conference on March 30, 2005, be adjourned pending the issue of an amended notice of proposal. On March 14, 2005, the matter was adjourned *sine die*. On June 3, 2005, the Superintendent requested that the matter be brought back on for a pre-hearing conference. At the pre-hearing conference on September 27, 2005 full party status was granted to the Estate of Ken Reynolds, Michel Gariepy, Edward Taylor and Jim Wilson. The hearing is scheduled for January 9 and 10, 2006.

Elaine Nolan, George Phillips, Elisabeth Ruccia, Kenneth R. Fuller, Paul Carter, R.A. Varney and Bill Fitz being the members of the DCA Employees Pension Committee, Pension Plan for the Employees of Kerry (Canada) Inc., Registration Number 238915, FST File Number P0192-2002;

On May 27, 2002, William Fitz on behalf of the DCA Employees Pension Committee, requested a hearing regarding the Superintendent's Notice of Proposal, dated April 22, 2002, proposing to refuse to make an order that:

- the Plan be wound up, effective December 31, 1994;
- Kerry (Canada) Inc. pay to the pension fund (the "Fund") of the Plan all employer contributions for which a contribution holiday was taken since January 1, 1985, together with income that would have been earned by the Fund if those contributions had been made; and
- registration of the Revised and Restated Plan Text dated January 1, 2000, and all amendments to the Plan included therein, be refused.

On June 5, 2002, Kerry (Canada) Inc. filed an application for party status.

At the pre-hearing conference on October 15, 2002, full party status was granted to Kerry (Canada) Inc. The pre-hearing conference was adjourned to allow the parties to bring certain motions with respect to disclosure.

At the motion hearing on December 6, 2002, three orders for disclosure were issued, one against Kerry (Canada) Inc., one against the DCA Employees Committee and one against the Superintendent.

On January 22, 2003, the pre-hearing conference resumed and was further adjourned to allow a further disclosure motion to be brought by the DCA Employees Pension Committee. The motion was heard on March 27, 2003, at which time it was dismissed.

On June 5, 2003, the pre-hearing conference resumed to deal with the framing of the "partial wind-up issue." The DCA Employees Pension Committee indicated that it would be bringing a motion for an order that would add an issue to or otherwise amend the matters in issue. That motion and another motion by Kerry (Canada) Inc. to amend the "partial wind up issue" were heard on June 25, 2003. At the hearing, the parties agreed on a revised wording of the "partial wind up issue," and it was ordered that the statement of the issues in the proceeding be amended accordingly.

At a resumption of the pre-hearing conference on October 14, 2003, the parties agreed to hearing dates. On March 2-3, 2004, the Tribunal heard the evidence of the witnesses who were put forward in this matter.

On April 8, 2004, the Tribunal heard argument from the parties with respect to the DCA Employees Pension Committee's request that the Tribunal issue reasons for decision concerning the earlier motions for disclosure brought by the Committee. The Tribunal denied the request. The Tribunal also heard argument from the parties concerning the Applicant's reply submissions, in addition to a request that the argument phase of the hearing be adjourned to permit surreply submissions from the Respondents. The Respondents argued that the Applicant's reply submissions raised new issues and arguments not previously addressed. The request for adjournment was granted to allow the Respondents time to prepare, file and serve surreplies to the Applicant's reply. On June 8 and 9, 2004, the Tribunal heard oral arguments from the parties.

In its Reasons for Decision dated September 1, 2004, the Tribunal ordered the Superintendent to carry out the proposals in its Notice of Proposal except that the Superintendent was ordered to deny registration of the 2000 Plan unless certain amendments were made to preserve the interests of the Plan members who were beneficiaries of the trust in respect of the Fund, failing which the Superintendent was ordered to require Kerry (Canada) to reimburse the Fund for contribution holidays taken in respect of the Plan since January 1, 2000. The Reasons for Decision were published in Volume 14, Issue 1 of the Pension Bulletin. On September 29, 2004, the DCA Employees Committee filed a notice of appeal in the Ontario Superior Court of Justice (Divisional Court).

On September 29, 2004, the DCA Employees Pension Committee made a request to the Tribunal for an order of costs against Kerry (Canada) Inc. payable out of the Fund. On October 1, 2004, Kerry (Canada) Inc. made a request to the Tribunal for an order of costs against the DCA Employees Pension Committee. A hearing on the issue of costs was held on December 9, 2004. In its Reasons dated December 24, 2004, the Tribunal denied both applications for cost orders. The Reasons dated December 24, 2004, were published in Volume 13, Issue 3 of the Pension Bulletin. On December 30, 2004, the DCA Employees Committee filed a supplementary notice of appeal in the Ontario Superior Court of Justice (Divisional Court) relating to the dismissal of its application for costs. The appeal of the DCA Employees Committee was heard along with an appeal by that Committee from the decision of the Tribunal in the Kerry (Canada) Inc. case (the Reasons For Decision in the latter case, dated March 4, 2004, were published in Volume 13, Issue 2 of the Pension Bulletin). The Court reserved its decision in both cases.

Hugo Jaik, Electrical Industry of Ottawa Pension Plan, Registration Number 0586396, FST File Number P0235-2004;

On February 16, 2004, Hugo Jaik, a former member of the Plan, requested a hearing regarding the Deputy Superintendent, Pensions' Notice of Proposal, dated January 28, 2004, to refuse to make an order requiring the Board of Trustees of the Electrical Industry of Ottawa Pension Plan (the "Board") to recalculate the pension benefits of members, and specifically to recalculate Mr. Jaik's pension benefit, and requiring that the composition of the Board be amended to comply with the terms of the Plan and declaring that the decisions of the Board improperly constituted are invalid.

A pre-hearing conference was held on May 25, 2004. On July 15, 2004, the Board filed an application for party status. At a resumption of the pre-hearing conference on July 26, 2004, full party status was granted to the Board.

At a settlement conference on August 5,

2004, the parties were unable to settle the matter. At a resumption of the pre-hearing conference on August 30, 2004, the hearing date of September 27, 2004 was cancelled and rescheduled to November 30, 2004, and was further rescheduled to January 24, 2005.

In its Reasons for Decision dated July 11, 2005, the Tribunal confirmed the Superintendent's Notice of Proposal that the Board not be required to recalculate the pension and benefits of Mr. Jaik or to amend the composition of the Board. The Tribunal found that Mr. Jaik's pension was correctly calculated in accordance with the applicable plan provisions, and found no evidence that the Board was improperly constituted. The Reasons for Decision dated July 11, 2005 are published in this bulletin on page 140.

On July 22, 2005, Mr. Jaik filed a request for review of the Tribunal's Order dated July 11, 2005. In its Reasons for Decision dated September 30, 2005, the Tribunal concluded that the material filed by Mr. Jaik did not identify any relevant circumstances including a material error of law or fact such that the panel would likely have reached a different decision but for such error. The Tribunal denied Mr. Jaik's Request for Review and confirmed its Order of July 11, 2005. The Reasons for Decision dated September 30, 2005, are published in this bulletin on page 154.

Coats Canada Inc., Coats Canada Employees' Pension Plan, Registration Number 288563, FST File Number P0237-2004;

On March 2, 2004, Coats Canada Inc. (the "Employer"), requested a hearing regarding the Deputy Superintendent, Pensions, Notice of Proposal dated February 5, 2004, to make an Order under section 69(1) of the Act, that the Plan be wound up in part in relation to those members and former members of the Plan who were employed by the Employer and who ceased to be employed between July 1999, and December 31, 1999, as a result of:

(i) the discontinuance of all or a part of the business of the Employer; or
(ii) the discontinuance of all or a significant portion of the business carried on by the Employer at its Coats Paton Division

On March 4, 2004, the Applicant requested agreement from the Superintendent to adjourn this matter *sine die* pending the outcome of the *Monsanto* case. On March 12, 2004, the Superintendent agreed to the adjournment. On July 29, 2004, the Supreme Court of Canada released its decision in the *Monsanto* case. On September 2, 2004, the Superintendent requested a pre-hearing conference be scheduled.

At a pre-hearing conference on April 15, 2005, the parties agreed that the hearing would proceed as a written hearing unless there was an objection by someone who seeks and obtains party status. On July 11, 2005, the Applicant withdrew the request for hearing.

Mary Sutton and other members and former members, AIG Assurance Canada Pension Plan, Registration Number 0284604, FST File Number P0245-2004;

On November 23, 2004, Mary Sutton and other members and former members of the AIG Pension Plan (the "Applicants") requested a hearing regarding the Notice of Proposal of the Deputy Superintendent, Pensions, dated October 22, 2004, proposing to refuse to make an Order that the AIG Pension Plan be wound up pursuant to s. 69(1)(a) of the *Pension Benefits Act* (the "Act"). On December 3, 2004, AIG Assurance Canada (the "Employer") filed an application for party status.

The Applicants had asked the Superintendent to make an Order that the AIG Pension Plan be wound up principally on the basis that the Employer had discontinued all contributions to the Plan at such time as the members commenced participation in another pension plan – the "Commerce Pension Plan"- which was established on a defined contribution basis. The AIG Pension Plan was a defined benefit plan with a substantial surplus. It was converted to a defined contribution plan immediately before the members commenced participation in the Commerce Pension Plan. Those members were given the option of converting their accrued benefits under the AIG Pension Plan into a defined contribution account or having those benefits provided by way of annuities.

The Employer had applied for the Superintendent's approval, pursuant to s. 81 of the Act, to the transfer of the assets of the AIG Pension Plan, including the assets representing the surplus in the Plan, to the Commerce Pension Plan. The Applicants, relying on the decision of the Ontario Court of Appeal in *Aegon Canada Inc. and Transamerica Life Canada v. ING Canada Inc.*, [2003] O.J. No. 4755, objected to the grant of such approval on the basis that the pension and other benefits of the members of the AIG Pension Plan would not be protected in such a transfer.

In refusing to order that the AIG Pension Plan be wound up, the Deputy Superintendent took the position that s. 69(1)(a) of the Act can have no application where the assets of a pension plan are being transferred to a successor pension plan and that transfer can be approved pursuant to s. 81 of the Act. As to the application for approval of the transfer of assets from the AIG Pension Plan to the Commerce Pension Plan, the Deputy Superintendent took the position that, unlike the situation in *Aegon*, the trust in respect of the AIG Pension Plan did not preclude the amendment of the Plan to allow for its merger with another pension plan, which amendment had been made, and no separate accounting of the assets contributed to the merged pension plan was required. A final decision on the application for approval of the asset transfer, pursuant to s. 81 of the Act, was, nonetheless, deferred pending the outcome of the Notice of Proposal to refuse to order the wind up of the AIG Pension Plan.

The pre-hearing conference scheduled for February 18, 2005, in this matter, was adjourned on consent of the parties and re-scheduled to March 22, 2005. At the pre-hearing conference, full party status was granted to the Employer.

On May 31, 2005, the Tribunal heard argument from the parties with respect to a motion filed by the Applicant Mary Sutton, for disclosure by the Employer of certain documents, in addition to those already disclosed, in particular various reports relating to the conversion and transfer of assets from the AIG Pension Plan, prepared for the administrator of the AIG Pension Plan. That motion was dismissed by order of the Tribunal dated June 6, 2005. The Reasons for that order, dated June 6, 2005, are published in this bulletin on page 136.

The hearing was held on June 27 and 28, 2005. In its Reasons for Decision dated September 6, 2005, the Tribunal ordered the Superintendent to carry out the proposal made through his delegate, the Deputy Superintendent, to refuse to wind up the AIG Plan. The Tribunal concluded that even though a transfer of assets between an original pension plan and a successor pension plan occurs such that the original plan "shall be deemed not to be wound up", by virtue of s. 81(1) of the Act, the Superintendent is not deprived of jurisdiction under s. 69(1)(a) of the Act to order a wind-up of the original plan in any of the circumstances set out in s. 69(1)(a). However, the Tribunal found no reason to interfere with the proposed refusal by the Deputy Superintendent to order a wind-up of the original plan in this case given the discretion vested in the Superintendent under s. 69(1)(a), and, indeed it concluded that, in the circumstances, the Deputy Superintendent was correct in refusing to order a wind-up. The Reasons for Decision dated September 6, 2005, are published in this bulletin on page 147.

Julian Paul, Ontario Public Service Employees' Union Pension Plan, Registration Number 1012046, FST File Number P0246-2004;

On December 7, 2004, Julian Paul (the "Applicant") requested a hearing regarding the Notice of Proposal of the Deputy Superintendent, Pensions, dated November 30, 2004, to refuse to make an Order, pursuant to s. 87(1) of the *Pension Benefits Act* (the "Act"), directing the OPSEU Pension Plan to allow the Applicant to purchase past service credits in the Plan for the period December 3, 1977 to April 2, 1979. The Order was refused on the basis that the Applicant, while eligible to purchase certain past service credits, had not submitted a formal application to effect such a purchase within the relevant time limits for making such an application. In the circumstances, the Deputy Superintendent concluded that the administrator of the Plan had not failed to administer the Plan in accordance with the provisions of the Act, the Regulation under the Act or the Plan so as to justify the making of an Order pursuant to s. 87(1) of the Act.

On February 3, 2005, an application for party status, in this matter, was filed by OPSEU Pension Trust, the administrator of the Plan. At the pre-hearing conference on February 24, 2005, full party status was granted.

The hearing was held on April 27, 2005. In its Reasons dated September 30, 2005, the Tribunal concluded that the Applicant was not entitled to purchase past service credits in the Plan because he had not submitted an application to do so within a relevant buy back window as set out by the terms of the Plan. The Tribunal, therefore, confirmed the Superintendent's Notice of Proposal. The Reasons dated September 30, 2005, are published in this bulletin on page 157.

Paramount Pictures (Canada) Inc., Retirement Plan for Salaried Employees of Famous Players and Subsidiary and Affiliated Companies, Registration Number 552752, FST File Number P0248-2005;

On January 7, 2005, Paramount Pictures (Canada) Inc. (the "Employer") requested a hearing regarding three Notices of Proposal of the Deputy Superintendent, Pensions, dated December 3, 2004, proposing to:

- refuse to approve a report, dated May

7, 2002, on the actuarial valuation of the retirement plan for the salaried employees of the Employer (the "Pension Plan") as at December 31, 2001;
- refuse consent to an application, dated January 9, 2003, submitted by the Employer, for the withdrawal of surplus on the wind up of the Pension Plan; and
- make an Order winding up the Pension Plan effective December 31, 2001.

The approval and consent were sought by the Employer pursuant to ss. 70(5), and 78(1), respectively, of the *Pension Benefits Act* (the "Act") and the Order was proposed to be made by the Deputy Superintendent under s. 69(1)(a) of the Act.

The Deputy Superintendent refused to approve the report on the actuarial valuation of the Pension Plan because the proposal to wind up the Plan was not unconditional, being dependent on the Employer obtaining the necessary regulatory and court approvals, and because the report did not, apparently, include all the members affected by the Plan termination.

The request for approval of the surplus withdrawal application was refused because:

- the Pension Plan was not being wound up given the contingent nature of the wind up proposal, in which case consent of all the Plan members to any withdrawal of surplus was required, as it was an on-going pension plan, but such unanimous approval was not obtained;
- the Plan did not provide for payment of surplus to the Employer on wind up of the Plan as there was a trust, for the benefit of the members of the Plan, in respect of the pension fund for the Plan and as no power was reserved to revoke that trust, the amendments to the terms of the trust providing that, at termination of the Plan, any surplus in the pension fund should be paid to the Employer, were invalid.

The Deputy Superintendent proposed to make the Order winding up the Pension Plan, effective December 31, 2001, on the basis that as at May 31, 2001 there was a cessation of employer contributions to the pension fund as evidenced by notices sent by the Employer to the members on that date proposing to terminate the Plan and share the surplus with the members and by the report on the actuarial valuation of the Plan as at December 31, 2001, which indicated that there were no active members and that the Employer was not required to make contributions to the Plan.

The pre-hearing conference scheduled for April 5, 2005 was adjourned on March 31, 2005, at the request of the parties, in favour of a settlement conference. After a settlement conference held on June 1, 2005, the parties agreed to inform the Registrar when they wish to proceed with the matter before the Tribunal.

On August 4, 2005, Gerry Dillon, a former member of the Plan, and acting in a representative capacity in the interests of all plan beneficiaries, filed an application for party status. On September 23, 2005, the pre-hearing conference resumed at which time full party status was granted to Mr. Dillon. The parties sought an adjournment of the proceedings on the basis that a class action proceeding was about to be commenced in the Ontario Superior Court with respect to the issue of entitlement to surplus. The parties anticipate that the action will be certified as a class proceeding in October 2005, and that the application will be heard by the Court in January 2006. In order to permit the application to proceed, the Tribunal ordered the pre-hearing conference adjourned to January 31, 2006.

Donna Capaldi; Retirement Income Plan for Union Employees of Dominion Stores Limited (1979), Registration Number 0005188, FST File Number P0253-2005;

On June 1, 2005, Donna Capaldi, requested a hearing regarding the Notice of Proposal of the Deputy Superintendent, Pensions, dated May 10, 2005, refusing to make an order under sections 42(5), 42(11), and 87(2)(c) of the *Pension Benefits Act,* requiring the administrator of the Plan to pay certain pension benefits from the Retirement Income Plan for Union Employees of Dominion Stores Limited (1979), to Donna Capaldi, beneficiary of Tony (Antonio) Capaldi.

On August 4, 2005, an application for party status, in this matter, was filed by Domgroup Ltd., the employer and administrator of the Plan. At the pre-hearing conference on October 3, 2005, full party status was granted to Domgroup. The hearing is scheduled for January 24, 2006.

Shoppers Drug Mart Inc., Pension Plan for Executives of Shoppers Drug Mart Inc. Registration Number 1066083, FST File Number P0256-2005;

On July 8, 2005, Shoppers Drug Mart Inc. (the "Applicant") requested a hearing regarding the Notice of Proposal of the Deputy Superintendent, Pensions, dated June 8, 2005, to make an order under section 69 of the *Pension Benefits Act,* that the Plan be wound up in part in relation to those members of the Plan who ceased to be members of the Plan as a result of cessation of employment with the Applicant on or before January 15, 2003.

The pre-hearing conference is scheduled for November 17, 2005.

Hydro One Members Committee; Hydro One Pension Plan Registration Number 1059104; FST File Number P0257-2005

On July 29, 2005, the Hydro One Members Committee, requested a hearing regarding the Notice of Proposal of the Deputy Superintendent, Pensions, dated July 14, 2005, refusing to make an order under section 69 of the Pension Benefits Act, that the Plan be wound up in part in relation to those members of the Plan whose employment terminated between January 1, 2002 and December 31, 2002.

On August 24, 2005, an application for party status, in this matter, was filed by Hydro One Inc. On September 19, 2005, an application for party status was filed by the Power Workers' Union.

The pre-hearing conference is scheduled for December 20, 2005.

Board of Trustees of the Labourers Pension Fund of Central and Eastern Canada, Registration Number 0573188; FST File Number P0258-2005;

On August 4, 2005, the Board of Trustees of the Labourers Pension Fund of Central and Eastern Canada, requested a hearing regarding the Notice of Proposal of the Deputy Superintendent, Pensions, dated July 7, 2005, proposing to order the Administrator of the plan, pursuant to section 88 of the Pension Benefits Act, to prepare and file a new actuarial valuation report as at December 31, 2003 in respect of the Plan, that complies with sections 6, 14, 16 and 17 of Regulation 909, R.R.O. 1990 (the Regulation) and, specifically, which includes either,

(1) the results of such tests performed on both a going concern and solvency basis as will demonstrate the sufficiency of the contributions to provide for the benefits set out in the Plan without consideration of any provision for reduction of benefits set out in the Plan; or

(2) where contributions are not sufficient to provide the benefits under the Plan as determined on both a going concern and solvency basis, a proposal by the actuary of options available to the administrator of the Plan that will have the result that the required contributions will be sufficient to provide the benefits under the Plan on both a going concern and solvency basis.

A pre-hearing conference is scheduled for November 1, 2005.

Jerry Coelho, Kerry Wilson, and the Trustees of the Canadian Bricklayers and Allied Craft Union Members Pension Trust, Bricklayers & Trowel Trades International Pension Plan, Registration Number 392175; Canadian Bricklayers and Allied Craft Union Members Pension Trust, Registration Number 1063478, FST File Number P0259-2005;

On September 27, 2005, Kerry Wilson, and the Trustees of the Canadian Bricklayers and Allied Craft Union Members Pension Trust (the "Applicants"), requested a hearing regarding the Notice of Proposal of the Deputy Superintendent, Pensions, dated September 13, 2005, refusing to order the Board of Trustees of the Bricklayers and Trowel Trades International Pension Plan, Registration Number 392175 (the "International Plan") to transfer certain assets to the Canadian Bricklayers and Allied Craft Union Members Pension Trust, Registration Number 1063478 (the "Allied Craft Plan") pursuant to section 80(8) and 80(9) of the *Pension Benefits Act*.

On November 1, 2005, an application for party status in this matter was filed by the Bricklayers and Trowel Trades International Pension Fund-Canada ("IPF-Canada").

A pre-hearing conference is scheduled for January 16, 2006.

The following cases are adjourned *sine die*

- **The Retirement Plan for Salaried Employees (Consumer Foods) of General Mills Canada, Inc., Registration Number 342042, FST File Number P0058-1999;**
  A pre-hearing conference scheduled for December 8, 2004 was adjourned *sine die* at the request of the parties on October 27, 2004, due to settlement discussions.

- **Cooper Industries (Canada) Inc.,**

Retirement Plan for Salaried Employees of Cooper Canada – Plan A Registration Number 0240622, FST File P0156-2001;
The pre-hearing conference, scheduled for November 1, 2004, was adjourned on consent of the parties to allow for settlement discussions.

- **Crown Cork & Seal Canada Inc., Registration Numbers 474205, 595371 & 338491, FST File Number P0165-2001;**
  At a settlement conference on October 30, 2001, the parties agreed to adjourn the matter *sine die* pending discussions between the parties.

- **James MacKinnon (Labourers' Pension Fund of Central and Eastern Canada), Registration Number 573188, FST File Number P0167-2001;**
  On July 10, 2002, the hearing dates were adjourned *sine die* on consent of the parties.

- **Bauer Nike Hockey Inc. Pension Plan for Employees of Bauer Nike Hockey Inc., Registration Number 257337, FST File Number P0189-2002;**
  At the pre-hearing conference on October 28, 2002, the matter was adjourned *sine die* pending the outcome of the *Monsanto* case.

- **Slater Steel Inc. Pension Plan for Corporate Employees and Salaried Employees of the Hamilton Specialty Bar Division, Registration Number 308338, FST File Number P0203-2002;**
  On June 2, 2003, an Order was issued by the Ontario Superior Court of Justice in relation to Slater Steel Inc., pursuant to the *Companies' Creditors Arrangement Act*, R.S.C. 1985, c. C-36. The Order includes a stay of all proceedings. The hearing in this matter originally scheduled for October 8-10, 15-16, 2003, therefore, did not proceed.

- **George Polygenis, Public Service Pension Plan, Registration Number 0208777, FST File Number P0204-2002;**
  On May 29, 2003, the parties consented to adjourn the June 11, 2003 hearing date *sine die* pending finalization of a settlement.

- **Slater Stainless Corp. Pension Plan for Slater Stainless Corp. Members of the National Automobile Aerospace, Transportation and General Workers Union of Canada (CAW-Canada), Registration Number 561456, FST File Number P0220-2003;**
  The pre-hearing conference scheduled for June 16, 2003 did not proceed since an Order was issued on June 2, 2003 by the Ontario Superior Court of Justice in relation to Slater Stainless Corp., pursuant to the *Companies' Creditors Arrangement Act*, R.S.C. 1985, c. C-36. The Order includes a stay of all proceedings.

- **Slater Stainless Corp. Pension Plan for Slater Stainless Corp. Members of the United Steel Workers of America (Local 7777), Registration Number 561464, FST File Number P0221-2003;**
  The pre-hearing conference scheduled for June 16, 2003 did not proceed since an Order was issued on June 2, 2003 by

the Ontario Superior Court of Justice in relation to Slater Stainless Corp., pursuant to the *Companies' Creditors Arrangement Act*, R.S.C. 1985, c. C-36. The Order includes a stay of all proceedings.

- **Jane Parker Bakery Limited Retirement Plan for Full-time Bargaining Employees, Registration Number 0400325, FST File Number P0224-2003;**
  On September 8, 2003, the parties advised they agreed to proceed with settlement discussions, and requested that the pre-hearing conference scheduled for September 10, 2003, be adjourned to a date to be determined if one becomes necessary.

- **Plumbers Local 463 Pension Plan, Registration Number 0598532, FST File Number P0230-2003;**
  On February 26, 2004, the matter was adjourned *sine die* pending the outcome of an application, by the Applicant, for judicial review of the Superintendent's Order dated October 6, 2003.

- **Peter Stopyn, Douglas Llewellyn, United Association of Journeyman and Apprentices of the Plumbing and Pipefitting Industry of the United States and Canada, Local 67, Registration Number 381525, FST File Number P0239-2004;**
  The pre-hearing conference scheduled for November 23, 2004, was adjourned *sine dine* at the request of the Applicants.

- **Stel Salaried Pensioners Organization, Stelco Inc. and Participating Subsidiaries Retirement Plan for Salaried Employees, Registration Number 0338509; the Stelco Inc. Retirement Plan for Lake Erie Steel Company Salaried Employees, Registration Number 0698753, "the Salaried Pension Plans", FST File Number P0250-2005;**
  On January 31, 2005, members of the Stel Salaried Pensioners Organization filed a Notice of Appeal in respect of a letter from the Pension Plans Branch of the Financial Services Commission of Ontario, dated January 7, 2005. This matter stands adjourned *sine die* due to a stay of proceedings against Stelco Inc. pursuant to proceedings under the *Companies' Creditors Arrangement Act*, R.S.C. 1985, c. C-36.

Financial Hardship

Application to the Superintendent of Financial Services for Consent to Withdraw Money from a Locked-in Retirement Account, Life Income Fund or Locked-in Retirement Income Fund based on Financial Hardship.

FST File Number	Superintendent of Financial Services' Notice of Proposal	Comments
		No Decisions to Report

Decisions to be Published

Mary Sutton (AIG Assurance Canada)
Hugo Jaik (Electrical Industry of Ottawa Pension Plan)
Julian Paul (Ontario Public Service Employees' Union Pension Plan)

Financial Services Tribunal Decisions with Reasons

INDEX NO.:	FST File No. P0245-2004 Decision No. P0245-2004-1
PLAN:	Pension Plan for the Salaried Employees of AIG Assurance Canada Registration Number 0284604 (the "Plan")
DATE OF DECISION:	June 6, 2005
PUBLISHED:	Bulletin 14/3 and FST website

(Note: Only FST decisions pertaining to pensions are included in this section.)
(Note: In this section, "Commission" refers to the Financial Services Commission of Ontario.)

IN THE MATTER OF the *Pension Benefits Act,* R.S.O. 1990, c.P.8, as amended by the *Financial Services Commission of Ontario Act, 1997,* S.O. 1997, c.28 (the "Act");

AND IN THE MATTER OF a Proposal by the Superintendent of Financial Services under section 89(5) of the *Act,* to Refuse to Make an Order pursuant to section 69 of the *Act,* respecting the Pension Plan for AIG Assurance Canada Pension Plan for Salaried Employees, Registration Number 0284604 (the "Plan");

AND IN THE MATTER OF a Hearing in accordance with subsection 89(8) of the *Act;*

BETWEEN:

MARY SUTTON
Applicant

-and-

SUPERINTENDENT OF FINANCIAL SERVICES
And AIG ASSURANCE CANADA
Respondents

BEFORE:

Mr. Ralph Scane
Member of the Tribunal and Chair of the Panel

Mr. Louis Erlichman
Member of the Tribunal and of the Panel

Mr. Martin Brown
Member of the Tribunal and of the Panel

APPEARANCES:

For Mary Sutton:
Ms. Susan Philpott
Ms. Clio Godkewitsch

For the Superintendent of Financial Services:
Ms. Deborah McPhail

For AIG Assurance Canada:
Mr. Mahmud Jamal
Mr. Evan Howard

HEARING DATE:
May 31, 2005

Reasons for Order on Motion for Disclosure

On May 31, 2005, the Tribunal held an oral hearing of an interlocutory motion by the Applicant Mary Sutton to require the Respondent AIG Assurance Canada (AIG) to produce documents, in addition to those already produced by AIG. The Tribunal reserved its decision. On June 1, 2005, the Tribunal issued an order dismissing the application, with reasons to follow.

Background

The motion was brought in aid of a Request for Hearing filed by the Applicant pursuant to s.89(8) of the *Pension Benefits Act, R.S.O. 1990 c.P.8, (the PBA).* The Request concerns a Notice of Proposal issued by the Superintendent of Financial Services (the Superintendent) proposing to refuse to make an order for a full winding up of a certain pension plan, pursuant to s. 69(1)(a) of the PBA.

The Plan in question is the AIG Assurance Canada Pension Plan for Salaried Employees (the AIG Plan). This was originally the Norwich Union Life Insurance Company (Canada) Pension Plan for Salaried Employees. The Plan name was changed on May 1, 2001 when the corporate name was amended on a change of share control. The Plan is a defined benefit plan. AIG is the Plan sponsor and Administrator. Mary Sutton (the Applicant) is a beneficiary of the AIG Plan. As of May 1, 2001, there was an actuarial surplus in the AIG Plan.
On the same date, May 1, 2001, AIG became a participating employer under the Commerce and Industry Insurance Company of Canada Pension Plan (the Commerce Plan), sponsored by an affiliate of AIG. All members of the AIG Plan ceased to participate in that plan with respect to future services from that date forward. For those future services, they became members of the Commerce Plan, which is a defined contribution plan. AIG has applied to convert the AIG Plan to a defined contribution plan. Members of that plan have been offered certain elections whether to convert their accrued benefits to defined contribution benefits or have them provided for by purchases of annuities. AIG's conversion report was filed with the Superintendent on September 19, 2002. The Tribunal was advised that the Financial Services Commission of Ontario (FSCO) has approved the conversion in principle, but that final approval of the related conversion amendments is being held in abeyance pending resolution of the merger application referred to below.

On October 25, 2002, AIG applied to merge the AIG Plan with the Commerce Plan, and in that application seeks to transfer all assets from the AIG Plan to the Commerce Plan.

It must also be noted that, in the draft Agreed Statement of Facts prepared by Counsel for AIG as agreed in the Pre-Hearing Conference, and circulated to the Parties, it was disclosed that, since May 1, 2001, funds had been transferred periodically from the AIG Plan to the Commerce Plan to fund the defined contribution benefits of the former AIG Plan members participating in the Commerce Plan. Solicitors for AIG apparently communicated this fact to FSCO in June, 2004. FSCO requested the voluntary return of the assets so transferred. Certain correspondence between counsel for AIG or AIG and FSCO was attached to the draft and thus available to the Parties, but was not before the Tribunal on this motion.

The Motion for Disclosure

The Applicant has moved for disclosure by AIG of:

(1) All reports prepared for Norwich Union Life Insurance Company and/or AIG Assurance Canada, in their capacity as Plan administrator of the AIG Plan, by any of its agents and/or service providers, including but not limited to, any reports prepared by legal and actuarial consultants relating to:

  a. the proposed conversion of the AIG plan;
  b. the proposed merger of the AIG Plan; and
  c. the transfer of assets from the AIG Plan to the Commerce and Industry Company of Canada Plan.

The requested documents are in addition to any documents disclosed by AIG in its List of Documents submitted pursuant to agreements made at the Pre-hearing Conference in this matter. Since submitting this list, AIG has also produced "additional documents in respect of the background of the repatriation of assets from the Commerce Plan to the AIG Plan, as well as reports provided to the administrator with respect to the financial status of the Plan between 2000 and the present." (AIG's Responding Motion Record. p.8, Para. 32). At the hearing, Counsel for the Applicant disclaimed any intention that plan related documents comprised in the documentation of the purchase of the controlling share interest of Norwich Life Insurance Company (Canada) be considered as included in those sought on this motion.

Conclusions of the Tribunal

It is no secret that the Applicant fears that this merger will expose the current actuarial surplus in the AIG Plan to being applied for the benefit of AIG or of members of the Commerce Plan who are not former members of the AIG Plan, to the detriment of present and retired members of the AIG Plan. The substantive application for a full wind up of the AIG Plan, of which this interlocutory motion is a part, is part of the Applicant's efforts to prevent this result.

Unfortunately, from the Tribunal's point of view at least, consideration by the Superintendent or the Tribunal of the entire series of completed and proposed transactions with respect to what is really at stake between the Applicant and the Respondent AIG must be done piecemeal. Counsel for the Superintendent advised the Tribunal that the Superintendent felt constrained by the decision of the Ontario Court of Appeal in *Huus et al. v. Superintendent of Pensions et al., (2002) 58 O.R.(3d) 380* to deal with the present substantive application for a full winding up before turning to a consideration of the pending application for plan merger and transfer of assets under s.81 of the *PBA*. Whether it is necessary to separate the winding up application from the succeeding issues as thoroughly as was done here in order to comply with the letter and spirit of the Court's comments may invite review on some other occasion, but this motion is not the appropriate place.

At the Pre-Hearing Conference in this matter, held on March 22, 2005, the matters in issue in the Application were framed, by agreement of the Parties, as follows:

(a) Should the Tribunal direct the Superintendent to order a full wind up of the Plan under clause 69(1)(a) of the *Act*?

(b) If the answer to (a) is yes, what is the appropriate time for the full wind up?

It is tempting, from at least the Tribunal's point of view, to treat this motion as if it were a motion for discovery covering all the issues which might arise between the Parties out of the past or proposed steps taken or sought to be taken by AIG with respect to the Plan and the funds in it. However, the Tribunal considers that this is not the proper approach. Anything ordered to be disclosed must be relevant to the agreed issues in this application, as set out above.

Section 69(1)(a) of the *PBA* reads:

> 69. (1) The Superintendent by order may require the wind up of a pension plan in whole or in part if,
>
> (a) there is a cessation or suspension of employer contributions to the pension fund;

On the face of things, whether the conditions set out in subsection (a) exist appears to be a question of fact, which is separate and apart from the transactions concerning which the notice of motion seeks information, namely the proposed conversion of the AIG Plan to a defined contribution plan, the proposed merger of the AIG and Commerce Plans, and the transfer of funds from the AIG Plan to the Commerce Plan as described in the draft Statement of Facts circulated by Counsel for AIG. There will also apparently be a question of law argued at the hearing of the substantive motion, namely whether, in view of s.81(1) of the *PBA*, s.69(1)(a) has any application at all in the circumstances which exist here. Documentation surrounding the matters described in the Notice of Motion is not relevant to this argument.

Counsel for the Applicant argued that the types of documentation she was requesting were relevant to the application under s.69(1)(a) because the Section, by the use of the word *may* in its opening words, confers a discretion upon the Superintendent to refrain from ordering a wind up of a pension plan even if the conditions stipulated in the various subsections are found to exist. Admittedly, the discretion is only to "refrain". It was not suggested that the Section conferred any discretion to order a wind up if the statutory requirements were not met. Counsel argued that the disclosure of the transfer of funds from the AIG to the Commerce Plans indicated that the funds of the AIG Plan were in danger of some wrongful manipulation, and it was possible that other documentation surrounding the transactions to which she referred in her Notice of Motion would reveal something which would strengthen that appearance of danger. This information might cause the Superintendent, or the Tribunal, not to exercise a discretion which might otherwise have been exercised against ordering the winding up.

For the purposes of the above argument, the Applicant is entitled to the benefit of the assumption that s.69(1)(a) remains operative in the circumstances of this case, notwithstanding the presence of s.81(1) in the *PBA*.

The Tribunal, since its decision in an interlocutory motion for disclosure in the matter *Monsanto Canada Inc. v. Superintendent of Financial Services, Decision No. P0013-1998-1,* has applied the test that, inter alia, "the information is arguably relevant to an issue in the proceedings". Counsel for the Superintendent submitted to the Tribunal that "arguably relevant" meant that the applicant for disclosure must show a "pretty good case" for relevance. The Tribunal does not think it necessary in this case to examine whether the threshold is really that high. We think that at the very least, the Tribunal must be persuaded that there is some possibility that the disclosure sought could assist it in resolving the issues before it in the substantive application. The Tribunal is not so persuaded in this case. The matters around which disclosure is sought, while they may be arguably relevant to the underlying issue which is concerning the Applicant, that is, whether the funds of the AIG Plan can or must be preserved for the exclusive benefit of members and retired members of that Plan notwithstanding the proposed plan merger and asset transfer described above, are too remote from the much narrower issue with which the Tribunal can deal on this application. Furthermore, a winding up application is not the preferred place to investigate these worries. Under s.81(4) of the *PBA*, "[n]o transfer of assets may be made from the pension fund of the original pension plan to the pension fund of the new pension plan without the prior consent of the Superintendent...". By s. 81(5), "[t]he Superintendent shall refuse to consent to a transfer of assets that does not protect the pension benefits and any other benefits of the members and former members and former members of the original pension plan...". These sections indicate that it is at the stage where the transfer of assets is being considered for approval that there is the widest scope for enquiry into the principal concerns of the Applicant. That is where such enquiry should take place.

For these reasons, the Tribunal has dismissed the application for disclosure.

DATED the 6th day of June, 2005.

Ralph E. Scane,
Member of the Tribunal and Chair of the Panel

Martin Brown,
Member of the Tribunal and of the Panel

Louis Erlichman,
Member of the Tribunal and of the Panel

INDEX NO.: FST File No. P0235-2004
Decision No. P0235-2004-01

PLAN: The Electrical Industry of Ottawa Pension Plan
Registration Number 0586396 (the "Plan")

DATE OF DECISION: July 11, 2005

PUBLISHED: Bulletin 14/3 and FST website

(Note: Only FST decisions pertaining to pensions are included in this section.)
(Note: In this section, "Commission" refers to the Financial Services Commission of Ontario.)

IN THE MATTER OF the *Pension Benefits Act*, R.S.O. 1990, c.P.8, as amended ("the Act");

AND IN THE MATTER OF a Proposal of the Superintendent of Financial Services to Refuse to Make an Order under section 87 of the *Act* respecting a request by Mr. Hugo Jaik relating to the Electrical Industry of Ottawa Pension Plan, Registration No. 0586396 (the "Plan");

AND IN THE MATTER OF a Hearing in accordance with subsection 89(8) of the Act.

BETWEEN:
HUGO JAIK
Applicant

-and-

SUPERINTENDENT OF FINANCIAL SERVICES and
THE BOARD OF TRUSTEES OF THE ELECTRICAL INDUSTRY OF OTTAWA PENSION PLAN
Respondents

BEFORE:

Ms. Anne Corbett
Vice Chair of the Tribunal and Chair of the Panel

Ms. Heather Gavin
Member of the Tribunal and of the Panel

Mr. John Solursh
Vice Chair of the Tribunal and Member of the Panel

APPEARANCES:
Mr. Hugo Jaik – Self Represented

For the Superintendent of Financial Services
Ms. Deborah McPhail

For the Board of Trustees of the Electrical Industry of Ottawa Pension Plan
Mr. Doug Parsons, Agent

HEARING DATE:
January 24, 2005

Reasons for decision
Nature of the Application:

This hearing results from the Notice of Proposal of the Deputy Superintendent, Pension Division to refuse to make an Order:

(a) requiring the Board of Trustees of the Electrical Industry of Ottawa Pension Plan (the "Board") to recalculate the pension benefits of members, and specifically to recalculate Mr. Jaik's pension benefit; and

(b) requiring the composition of the Board be amended to comply with the terms of the Plan in declaring that the decisions of the Board improperly constituted are invalid.

Facts:

Hugo Jaik is a former member of the Plan.

The Plan is a defined benefit pension plan that is administered by the Board of Trustees of the Electrical Industry of Ottawa Pension Plan and that covers members of the International Brotherhood of Electrical Workers, Local 586 (the "Union").

Mr. Jaik has been a member of the International Brotherhood of Electrical Workers, Local 586 since 1974. Mr. Jaik is 69 years of age and he is currently receiving a pension from the Plan.

The Plan is a non-contributory pension plan. Contributions are limited to employer contributions as negotiated under collective agreements between the Union and various employers.

The Plan was restated as of January 1, 1994. Prior to 1994, the Plan operated as a "Brotherhood System". Under the "Brotherhood System" all members received the same pension credits regardless of hours worked.
Amendment No. 5, to the 1994 Plan restatement, was passed by the Board on February 8, 2001. This amendment continues the "Brotherhood System" for pension accrual for hours worked prior to January 1, 1994 and provides for pension accrual based on the "Quasi-Hour Bank System" for service on or after January 1, 1994. The "Quasi Hour Bank System" provides members with accrued pension credits based on the number of hours worked. The Quasi-Hour Bank System is based on 1,500 working hours.

The formula in Amendment No. 5, which is the current Plan text, provides:

> **11 AMOUNT OF PENSION**
>
> **11.1 Pension Credits**
>
> **1.1.1 Service Prior to January 1, 1994**
> Each Member who retires at the Normal Retirement Date shall be entitled to a Retirement Pension calculated as:
>
> a) where Retirement occurs after January 1, 1988, but prior to July 1, 1988 - $30 per month per year of Credited Service up to December 31, 1982, plus $35.00 per month per year of Credited Service after December 31, 1982, or
>
> b) where Retirement occurs after June 30, 1988 - $35.00 per month per year of Credited Service up to June 30, 1988, plus $40.00 per month per year of Credited Service after June 30, 1988, up

to December 31, 1993.

In addition, all active members who received pension credits for the month of December 1993 will receive a 5% increase on all Pension credits accumulated prior to January 1, 1994. All inactive and retired members who receive pension credits for the month of December 1993 will receive an increase not to exceed the lesser of 3% or the increase in the Consumer Price Index, on all Pension credits accumulated prior to January 1, 1994.

11.1.2 Service After December 31, 1993

(a) Members who retired, terminated or died prior to January 1, 1999

Members who are classified as "Hourly Workers" will receive a Pension credit of $0.05 per month per hour worked after December 31, 1993.

Members who are classified as "Flat Rate Contributors" will receive a Pension credit of $40.00 per month per year of Credited Service after December 31, 1993 up to June 30, 1994, and $62.50 per month per year of Credited Service after June 30, 1994 but prior to January 1, 1999.

(b) Members who retired, terminated or died after December 31, 1998

Members who are classified as "Flat Rate Contributors" will receive a Pension credit of $42.40 per month per year of Credited Service after December 31, 1993 up to June 30, 1994, and $66.25 per month per year of Credited Service from July 1, 1994 to December 31, 1998 and $81.25 per month per year of Credited Service after December 31, 1998.

11.1.3 Adjustment to Pension in Pay

All retirees in receipt of a pension from the Plan as of December 31, 1998, will receive an increase not to exceed the lesser of 6% or the increase in the Consumer Price Index, effective January 1, 1999.

Issue:

At a pre-hearing conference held May 25, 2004, the parties agreed that the issue to be put before the tribunal was to be framed as follows:

> Have the Applicant's pension benefits and ancillary benefits under the Plan been properly calculated? If not, what remedy should be granted by the Tribunal? Is the Applicant entitled to his legal costs?

The Notice of Proposal issued by the Deputy Superintendent also dealt with an issue raised by Mr. Jaik that the Board had not been properly constituted and that its actions were unauthorized. While that issue was not listed as an agreed issue it was raised in argument by Mr. Jaik and will be dealt with in these reasons for decision.

Analysis and Conclusion:

Mr. Jaik raised a number of arguments in support of his submission that his pension has not been properly calculated. In particular, he states that:

- the Plan was not a "Brotherhood Pension Plan" from the inception of the plan - he cites his yearly statements prior to 1998 from the Plan administrator, Coughlin & Associates in support of this

- the Plan was not a multi-employer pension plan under the *Pension Benefits Act* as the employers were affiliated within the meaning of the *Business Corporations Act*

- the Plan was not a defined contribution benefit plan as contributions are based on hourly amounts of money the members earn working including overtime

- in January 1991, the Union took a vote to implement the Brotherhood System

- contributions the employer made to the Plan from the members were tax exempt and the amount of the contributions was used to off-set RRSP contributions for that year - Mr. Jaik questioned how the Board can take contributions from members who are working and give it to the unemployed members as the credit belongs to the members who are working

- the Board of Trustees are in contravention of Section 14(1) of the *Pension Benefits Act* as they cannot reduce benefits because the plan is not a multi-employer plan

- contributions to the Plan are not limited to a fixed amount. For every hour the member is working, including overtime, the employer places contributions into the Plan - it is not a fixed amount

In response to Mr. Jaik's arguments, the Board and the Superintendent submit that the Plan, while not explicitly described as a Brotherhood Pension Plan operated as such prior to 1994. Funding received on behalf of working members was used to also provide pensionable service to non-working members as long as they remained in good standing with Local 586.

The Board also submits that the Plan has at all times been a multi-employer plan. The participating employers are independently owned companies. At one time there were over 200 different participating employers. There are now approximately 86.

In response to the argument that Mr. Jaik has raised that the Plan is not a defined contribution plan, the Board and the Superintendent contends that the contributions were indeed based on the number of hours the member worked, including overtime, however the pension credits earned prior to 1994 were assigned using a flat benefit formula which applied to both active and non-active members who met the eligibility criteria.

In response to Mr. Jaik's submission that the Board is in contravention of Section 14(1) of the *Pension Benefits Act*, the Board and the Superintendent submit that benefits accrued and vested prior to January 1, 1994 were not reduced and none of the relevant amendments reduced the pension benefits or ancillary benefits on a retroactive basis.

In response to Mr. Jaik's position that the contributions are not a fixed amount, the Board states that the hourly contribution rates are defined and fixed. The fact that a varying number of hours will be reported for each member does not mean that the Brotherhood credits were not a fixed amount or the hourly contribution rate was not a fixed amount. The Board and the Superintendent's position is that the Applicant's pension and disability benefits have been properly calculated and that none of the Applicant's other allegations establish a contravention of the Act or the Plan.

Conclusions:

While there were a number of issues raised in the submissions of the Applicant, which were responded to by the Board and the Superintendent, the issue before the Tribunal was the correct calculations of Mr. Jaik's pension.

With respect to that issue, the Tribunal finds that Mr. Jaik's pension has been correctly calculated in accordance with the applicable plan provisions: Articles 11.1.1(b) and 11.1.2(a) as set out in Amendment No. 5 to the 1994 Plan text. The formula is $35.00 per month per year of Credited Service up to June 30, 1998, $40.00 per month per year of Credited Service up to December 31, 1993, and $0.05 per month per hour worked after December 31, 1993.

In both his written submissions and in his oral argument, Mr. Jaik made reference to a defined contribution benefit based on 2% of the contributions submitted to the Plan on his behalf. There is no such formula in the Plan text. Mr. Jaik's only support for his contention that he was entitled to a pension based on a 2% formula was those provisions of the Plan that set out the maximum pension allowable under the *Income Tax Act*. These sections of the Plan text do not provide a benefit formula but provide a limitation on the pension that can be paid. The calculation of the pension is done in accordance with sections of the Plan set out above.

With respect to the arguments raised by Mr. Jaik in support of his position that his pension has not been correctly calculated, we did not find any evidence which would support his submissions. In particular, there was no evidence that the Plan was not, as it appears to be on its face, a multi-employer pension plan or that the Board of Trustees was not properly constituted.

With respect to the submission that the Plan was not a Brotherhood Plan from inception, the Tribunal accepts the arguments of the Board and the Superintendent in this regard. The Plan was a Brotherhood Plan from inception until January 1, 1994. Members did not have to be working in order to accrue pension benefits. The only requirements were that a member of the Plan be a member of the Union and be ready, willing and able to work in the industry.

We do not find any contravention of the requirement of Section 14(1) of the *Pension Benefits Act* with respect to the amendments to the Plan that were submitted to us relevant to the arguments before the Tribunal. None of those amendments reduced the pension benefits or ancillary benefits on a retroactive basis.

Decision:

The Tribunal confirms the Notice of Proposal of the Superintendent that the Board of Trustees not be required to recalculate the pension and benefits of Mr. Jaik or to amend the composition of the Board.

Costs:

If any party wishes to make application for an order of costs in this matter, it may do so by written request filed with the Tribunal and served on the other parties within 30 days of this decision. The other parties shall have 14 days to file and serve written responses to any such request.

DATED at the City of Toronto this 11th day of July, 2005.

Anne Corbett,
Vice Chair of the Tribunal and Member of the Panel

Heather Gavin,
Member of the Tribunal and of the Panel

John Solursh,
Vice Chair of the Tribunal and Member of the Panel

INDEX NO.: FST File No. P0245-2004
Decision No. P0245-2004-2

PLAN: AIG Assurance Canada Pension Plan for Salaried Employees
Registration Number 0284604 (the "Plan")

DATE OF DECISION: September 6, 2005

PUBLISHED: Bulletin 14/3 and FST website

(Note: Only FST decisions pertaining to pensions are included in this section.)
(Note: In this section, "Commission" refers to the Financial Services Commission of Ontario.)

IN THE MATTER OF the *Pension Benefits Act,* R.S.O. 1990, c.P.8, as amended by the *Financial Services Commission of Ontario Act, 1997,* S.O. 1997, c.28 (the "Act");

AND IN THE MATTER OF a Proposal by the Superintendent of Financial Services under section 89(5) of the *Act*, to Refuse to Make an Order pursuant to section 69 of the *Act*, respecting the Pension Plan for AIG Assurance Canada Pension Plan for Salaried Employees, Registration Number 0284604 (the "Plan");

AND IN THE MATTER OF a Hearing in accordance with subsection 89(8) of the *Act;*

BETWEEN:

MARY SUTTON
Applicant

-and-

SUPERINTENDENT OF FINANCIAL SERVICES and
AIG ASSURANCE CANADA
Respondents

BEFORE:

Mr. Ralph Scane
Member of the Tribunal and Chair of the Panel

Mr. Louis Erlichman
Member of the Tribunal and of the Panel

Mr. Martin Brown
Member of the Tribunal and of the Panel

APPEARANCES:

For Mary Sutton
Ms Susan Philpott

For the Superintendent of Financial Services
Ms Deborah McPhail

For AIG Assurance Canada
Mr. Mahmud Jamal
Ms Anna Zalewski

HEARING DATE:
June 27 – 28, 2005

REASONS FOR DECISION

This is a decision upon a Request for Hearing filed by the Applicant Mary Sutton pursuant to s. 89 (8) of the *Pension Benefits Act*, R.S.O. 1990 c. P. 8, as amended (the *PBA*). The Request arises from a Notice of Proposal (NOP) issued by the Deputy Superintendent of Financial Services, Pensions (the Superintendent) proposing to refuse to make an order for a full winding up of a certain pension plan, pursuant to s. 69 (1) (a) of the *PBA*.

Background

The Plan involved is the AIG Assurance Canada Pension Plan for Salaried Employees (the AIG Plan). Originally, this was the Norwich Union Life Insurance Company Pension Plan for Salaried Employees. The Plan name was changed on May 1, 2001, when the company name was changed to AIG Assurance Canada (AIG) following a change of share control. The Plan is a defined benefit plan. AIG is the Plan sponsor and administrator. Mary Sutton, (the Applicant) is a member of the AIG Plan. As of May 1, 2001, there was an actuarial surplus in the AIG Plan.

On May 1, 2001, AIG became a participating employer under the Commerce and Industry Insurance Company of Canada Pension Plan (the Commerce Plan) sponsored by an affiliate of AIG. All members of the AIG Plan ceased to participate in that Plan with respect to future services after May 1, 2001. For those future services, they became members of the Commerce Plan, which is a defined contribution plan. AIG has applied to convert the AIG Plan to a defined contribution plan. Members of the AIG plan have been offered elections either to convert their accrued benefits to defined contribution benefits or have them provided for by purchases of annuities. AIG filed a conversion report with the Superintendent on September 19, 2002. We have been advised that the Financial Services Commission of Ontario (FSCO) has approved the conversion in principle, but that final approval of the related conversion amendments is being held in abeyance pending resolution of the merger application referred to below.

On October 25, 2002, AIG applied to merge the AIG Plan with the Commerce Plan, and in that application seeks to transfer all assets from the AIG Plan to the Commerce Plan.

In documents prepared for the Pre-Hearing Conference in this matter by Counsel for AIG, it was disclosed that, since May 1, 2001, funds had been transferred periodically from the AIG Plan to the Commerce Plan to fund the defined contribution benefits of the former AIG Plan members participating in the Commerce Plan, without the permission of the Superintendent. Solicitors for AIG advised FSCO of this in June, 2004. FSCO requested the voluntary return of the assets so transferred.

Subsequently, shortly before this hearing commenced, AIG disclosed that it was proposing to deal with the problem of the improperly transferred assets by applying to amend the AIG and Commerce Plans to permit transferring the assets and liabilities of the individual accounts of the members of the Commerce Plan who were former members of the AIG Plan back to the AIG Plan. These accounts would then continue to accrue defined contribution benefits in the

AIG Plan. The intention is to continue such arrangement until such time (if at all) as the merger of the AIG and Commerce Plans and the accompanying transfer of assets to the Commerce Plan is approved.

Discussion

The Applicant's claim for a wind-up of the AIG Plan is founded on S. 69 (1) (a) of the *PBA*, which reads:

> 69. (1) The Superintendent by order may require the wind up of a pension plan in whole or in part if,
>
> (a) there is a cessation or suspension of employer contributions to the pension fund.

Paragraph 6 of the Agreed Statement of Facts states that AIG "has made no contribution to the Plan between May 1, 2001 and the present". Accordingly, we find that the factual basis for invoking s. 69 (1) (a) is established.

The Respondents argue that s. 69 (1) (a) does not apply to permit or require a wind-up here because of s. 81(1) of the *PBA*. That section reads:

> 81. (1) Where a pension plan is established by an employer to be a successor to an existing pension plan and the employer ceases to make contributions to the original pension plan, the original pension plan shall be deemed not to be wound up and the new pension plan shall be deemed to be a continuation of the original pension plan.

The Respondents argued that s. 81 (1) carves out an exception to the operation of s. 69 of the *PBA*, or, putting the matter another way, AIG argued that the Superintendent has no jurisdiction to make an order under s.69 (1) (a) because of the deeming provisions in s.81 (1), where, as here, the factual situation referred to in s. 81 (1) (a) exists. It was argued that the decision in *Re Otis Canada, Inc. and Superintendent of Pensions of Ontario et al*, (1992), 89 D.L.R. (4th) 746 (Div. Ct.) could be distinguished because the winding up application in *Otis* was made under s.68 of the *PBA*, not s.69. Section 68 deals with a winding up by an employer. An employer is entitled to initiate a winding-up at will. Section 69, which deals with a winding up initiated by the Superintendent, generally deals with cases where employees are losing rights or employment, or their jobs will no longer be covered by a plan. The Superintendent may act only when conditions set out in one of the subsections are met.

The original appeal in *Otis* was from a refusal to approve a winding up report pursuant to s.70 (5) of the *PBA*. The Superintendent had refused to approve the report on the ground that the employer had established a successor plan to its existing plan, and that therefore what is now s. 81(1) of the *PBA* deemed the plan not to be wound up. The Pension Commission of Ontario (PCO) upheld the Superintendent's decision (Pension Bulletin Vol. 1, Issue 1, February 1990, p.16). The Divisional Court reversed the PCO decision. In considering s.81 (1), the Court said (at p. 751 D.L.R.),

> [T]he effect of the applicability of s. 81(1) is not to preclude the approval of the wind-up report. This provision is not relevant per se to the issue of winding

-up. Section 81(1) contemplates that a "predecessor" plan can be wound up in fact, but as a legal fiction be deemed to continue to exist, thus providing further protection to the members of the former plan. Even though wound up, it is for all purposes to be treated as a continuing plan. In other words, where the circumstances are such that a winding-up of the Plan is appropriate under the relevant provisions of the Act then the approval to the winding up should be granted. Section 81(1) is not relevant to that issue.

The language of the Court in *Otis* is broad. The Court did not address the differences between s.68 and s.69. It did not need to. The basis for the initiation of the winding-up process was not in issue. Section 70 of the PBA applies to all windings-up, full or partial, and would apply to a winding-up under either s.68 or s.69. The Court was deciding that s.81 (1) in itself would not justify a refusal to approve a wind-up report under s.70 (5). Accordingly, as no other ground for refusing to accept the report was claimed in that case, the winding up should proceed. We cannot see any basis for believing that the Court would have come to a different conclusion had the wind-up been initiated under s.69, and s.81 (1) had been invoked as the only ground for refusing approval of the wind-up report. We are bound by this decision, and therefore conclude that s.81 (1) does not deprive the Superintendent of jurisdiction to order a wind-up under any of the subsections of s.69, in cases where the factual situation described in s.81 (1) exists.

The issue here is whether the jurisdiction to order a wind-up under s. 69 (1) (a) of the *PBA* should be exercised. It is clear from the opening words of s. 69 (1), "[t]he Superintendent by order *may* require the wind-up of a pension plan....", that the mere fact that a factual situation described in one of the subsections of s. 69 has occurred does not oblige the Superintendent to act. The question arises whether the occurrence of one of the enumerated factual situations in s. 69 creates a presumption in favour of ordering a wind-up, imposing an onus upon the Superintendent to justify a refusal to do so. We conclude that the section does no more than confer jurisdiction to act upon the Superintendent when one of the listed factual situations occurs, and possibly to impose a duty to consider whether to exercise that jurisdiction. We do not need to decide here whether such a duty exists, as, if it does, it has been exercised. If it were intended that the Superintendent *should* wind up a plan in such circumstances unless he or she could show cause for not doing so, stronger language than the merely permissive *may* would be required. There may be cases where the circumstances so strongly point to the desirability of a wind-up that the evidentiary burden shifts to the Superintendent or others opposing a wind-up to show a factual basis for justifying refusal, but that is a different matter from a statutory presumption in favour of a winding-up. We believe that statements in the decision of the Pension Commission of Ontario in *Imperial Oil Limited and Superintendent of Pensions,* (May 27, 1996), Commission Bulletin Vol.6, Issue 4 (Ont. Pension Commission) which appear to differ from our conclusion that s.69 (1) of the *PBA* merely confers jurisdiction are simply an example of such a shift in the evidentiary burden.

The Applicant alleges that the purpose of the intended merger is to enable AIG to employ the surplus in the original plan to take contribution holidays from its obligations to contribute to the individual accounts of the members of the merged plan, including members who were not members of the AIG Plan. She points to the fact that, since the change of control of what was formerly Norwich Union, AIG has taken contribution holidays with respect to the Plan, and has discontinued applying any of the current surplus in enhancing the benefits payable under the Plan to account for inflation, as the former management had done regularly.

Accepting the above recital as true, either as proved or, in the case of AIG's alleged future intentions, for the sake of the argument, does the above make a case for the wind-up of this Plan at this time?

The "cessation or suspension of employer contributions to the pension fund" which is the basis for this application for a wind-up occurred as a portion of an intended process which would convert the Plan to a defined contribution plan and then merge it by a transfer of its assets to another defined contribution plan which also serves other entities in the AIG corporate family. The employment of the Plan members in the company continues, and their pension benefits continue to accrue, but on a different basis for establishing their entitlements at retirement. Generally, s.69 of the *PBA* gives jurisdiction to wind up to the Superintendent when the continuation of employment of the members and/or their ability to continue to accrue a pension with the employer appears to be in jeopardy. There is no evidence that the employment of the members or their continuance in their pension plan here is at risk. The cessation of contributions which provides the basis for the Superintendent's jurisdiction to order a wind-up in this case occurred only as a step in the intended process of conversion and merger. It did not signal danger to the expectations of the Plan members for continuing employment with the company or for a retirement pension. In these circumstances, we hold that the "cessation …of employer contributions" did not call for a wind-up of the AIG Plan.

We believe that this approach to s.69 of the *PBA* is supported by the approach taken by the Ontario Court of Justice (General Division) in *Charles v. Canada (Attorney General)*, (1996), 14 C.C.P.B. 98. In that case, provincially appointed judges were transferred by the Province of Ontario from the Public Service Superannuation Plan to a new plan for provincially appointed judges. It was argued that this transfer constituted a partial wind-up of the Public Service Superannuation Plan pursuant to s. 26 (1) of the *PBA*, R.S.O. 1980, c. 373. The Court held that the Section was framed in the context of a termination of employment. Ground J. commented (at p.103)

> The protection provided by Section 26 is unnecessary in the circumstances of this case where the provincial judges did not lose their jobs or change employers; only their pension plan was changed while their employment and employer did not change. It is difficult to envisage why, in these circumstances, provincial judges would be entitled to the same election rights as employees who lose their jobs as a result of the closing, sale or amalgamation of their employer. Those are the employees who require statutory protection and the consequent rights to election.

The Court therefore held that the transfer from plan to plan did not constitute a partial winding up of the former Plan, and did not trigger elections under s. 26 of the R.S.O.1980 version of the *PBA*.

The Applicant also argues that a wind-up in this case would have conferred benefits upon Plan members which would be denied to them if the wind-up does not proceed. These are the grow-in benefits under s. 74 of the *PBA*, and what the Applicant describes in her submission as "surplus rights" under s.8 of *Regulation 909*, now O.Reg. 350/02, as amended, made under the *PBA*.

To order a wind-up in order to secure grow-in rights for plan members, which rights are designed to protect plan members who will be adversely affected by the wind-up or partial wind-up of their plan, seems to be internally contradictory. This appears especially so where those members are continuing their employment and continuing to accrue retirement benefits under a successor plan created by their employer, with service credits accumulated under the former plan being carried forward into the successor plan. The "surplus rights" afforded by s.8 of *Regulation 909* are indeed valuable to employees in a wind-up situation as they impose restrictions upon payment to the employer of any surplus that might be found to exist at the time of the wind-up, even if the employer is entitled under the terms of the plan to the beneficial ownership of any surplus funds which might exist at that time. The Section does not transfer to plan members or retired members any beneficial interest in such funds that they would not have under the plan or trust terms, but in practice, it supplies them with a negotiating weapon in bargaining with employers for a share in any surplus. Again, we believe this bargaining tool was afforded to plan members to give them additional protection against jeopardization of their retirement provision in situations where their ongoing employment and/or ability to continue in a pension plan is at risk. It also discourages employers from winding up their company pension plan simply to remove surplus.

We believe that the fact that there might be immediate beneficial consequences to an employer or to employees resulting from a declaration of a wind-up does not require the Superintendent to order a wind-up every time he or she has jurisdiction to do so under the *PBA*. Otherwise, the discretion apparently conferred upon the Superintendent by s. 69 would in practice be removed in most cases. In general, the Superintendent should be exercising his or her discretion in such a way as to best promote the policy of ensuring, to the extent possible under the *PBA*, that employees under pension plans will be able to enjoy their anticipated benefits upon retirement. In so concluding, we do not believe that we are in any way retreating from the line of cases which has established that the Superintendent, and this Tribunal, must jealously protect the rights of members of pension plans. The "rights" provided by s.74 of the *PBA* and s.8 of *O. Reg. 909* are only "rights" if a wind-up is instituted. The consequences of a wind-up should not be the grounds for ordering it. In summary, we conclude that the Superintendent was correct in refusing to order a wind-up upon the Applicant's motion.

The Applicant has not challenged AIG's legal right to continue to take contribution holidays in an ongoing plan, or to make the conversion from a defined benefit plan to a defined contribution plan. Rather, she has argued that it is necessary for the Superintendent to wind up the plan to protect members' potential rights to surplus should the conversion and transfer of assets be approved. We are in no position to rule on either the transfer of assets issue or the "ownership of surplus" question, as the Superintendent has not formally ruled on these questions, and these issues were not argued in this proceeding. To accept the Applicant's position, however, would essentially read into the *PBA* the requirement that the Superintendent wind up any plan in which there is a surplus and a conversion is proposed. This would require a greater indication of legislative intent than we have found.

We wish to advert briefly to the evidence tendered by AIG regarding the very recent applications to amend the relevant plans to return the former members of the AIG Plan to that Plan, at least temporarily. The Applicant objected to evidence of these proposed amendments being introduced on this appeal. As we are deciding this appeal adversely to the Applicant's position without reference to this evidence, we need not rule on its admissibility in these proceedings. However, we will go so far as to say that we believe that, had we found that, at the time the Applicant applied for a wind-up order, the Superintendent should have granted it, the proposed amendments would not have been allowed to affect our decision. Not only is it not certain that the Respondent AIG would not have changed its mind and withdrawn the proposed amendments, but, even with the most solemn undertakings, as a matter of policy, the Superintendent, the Tribunal and the courts should not have to deal with a moving factual background in carrying out their supervisory roles. Parties should be discouraged from keeping their best positions in reserve in their applications for approval of changes to pension plans. We do not suggest that this is what happened here, but the policy should apply generally except in most unusual circumstances.

Costs

Counsel made oral submissions with respect to costs at the close of the hearing. The Respondent Superintendent did not seek costs. The Applicant and the Respondent AIG each submitted that aspects of the conduct of the other in these proceedings justified an award of costs in their favour. We see no value in elaborating upon these submissions. It was plain to us that the course of these proceedings had given rise to an unhappy (and hopefully, short-lived) reciprocal exasperation as between these parties. From our viewpoint, we were very well served by all counsel, and the alleged transgressions of any of the parties fell far short of meeting the criteria for awarding costs against a party set out in Rule 45 of the Tribunal's *Rules of Practice and Procedure*. There will be no order as to costs.

Disposition

We order the Superintendent to carry out the proposal contained in his Notice of Proposal dated October 22, 2004 and refuse to wind up the AIG Plan under s. 69 (1) (a) of the *PBA*.

DATED the 6th day of September, 2005.

Ralph E. Scane,
Member of the Tribunal and Chair of the Panel

Martin Brown,
Member of the Tribunal and of the Panel

Louis Erlichman
Member of the Tribunal and of the Panel

INDEX NO.:	FST File No. P0235-2004 Decision No. P0235-2004-2
PLAN:	The Electrical Industry of Ottawa Pension Plan Registration Number 0586396 (the "Plan")
DATE OF DECISION:	September 30, 2005
PUBLISHED:	Bulletin 14/3 and FST website

(Note: Only FST decisions pertaining to pensions are included in this section.)
(Note: In this section, "Commission" refers to the Financial Services Commission of Ontario.)

IN THE MATTER OF the *Pensions Benefits Act*, 1990, c.P.8, as amended (the "Act");

AND IN THE MATTER OF a Proposal of the Superintendent of Financial Services to Refuse to Make an Order under section of 87 of the *Act* respecting a request by Mr. Hugo Jaik relating to the Electrical Industry of Ottawa Pension Plan, Registration No. 0586396 (the "Plan");

AND IN THE MATTER OF a Request for Review of the Order of the Tribunal in this matter dated July 11, 2005.

BETWEEN:

HUGO JAIK
Applicant

- and -

SUPERINTENDENT OF FINANCIAL SERVICES and
THE BOARD OF TRUSTEES OF THE ELECTRICAL INDUSTRY OF OTTAWA PENSION PLAN
Respondents

BEFORE:

Ms. Anne Corbett
Vice Chair of the Tribunal and Chair of the Panel

Ms. Heather Gavin
Member of the Tribunal and of the Panel

Mr. John Solursh
Vice Chair of the Tribunal and Member of the Panel

WRITTEN SUBMISSIONS:

Mr. Hugo Jaik
Self-Represented

For the Superintendent of Financial Services
Ms. Deborah McPhail

REASONS FOR DECISION

Nature of the Request:

The Applicant, Hugo Jaik has requested the panel to reconsider its order it made in this matter dated July 11, 2005 (the "Order") in accordance with Part XI of the *Rules of*

Practices and Procedure for Proceedings before the Financial Services Tribunal, dated August 1, 2004 (the "Rules").

Written Material Filed:

The Panel's consideration of the Applicant's Request for Review of the Order was conducted in writing pursuant to Rule 51.

In support of his request for this panel to review the Order Mr. Jaik filed with the Tribunal:

(a) a letter dated July 22, 2005 from him requesting a reconsideration of the Tribunal's decision in this matter;

(b) a letter dated July 25, 2005 from him providing more information in accordance with a discussion Mr. Jaik had with the Registrar of the Tribunal regarding the requirement of the Rules; and

(c) a letter dated July 29, 2005 from him in setting out more information for purposes of complying with the Rules.

The Superintendent of Financial Institutions filed with the Tribunal a written submission dated August 8, 2005 in response to the Applicant's Request for Review which sets out the Superintendent's position that the Request for Review of the Order should be dismissed.

Timeliness of Applicant's Request for Review:

The Applicant's Request for Review under the Rules was filed a few days later than the 10 day time period specified in Rule 49.04 His submissions set out his reasons for the late filing. The Superintendent has not objected to the late filing. Accordingly, we agreed to consider Mr. Jaik's Request for Review pursuant to Rule 49.02.

Analysis and Conclusions:

Rule 50.01 provides that in deciding whether it is advisable to review all or part of an order, a panel of the Tribunal may consider "any relevant circumstances, including:

(a) whether there is a material error of law or fact such that the panel or member would likely have reached a different decision but for that error;

(b) the extent to which any party or any other person has relied on the order;

(c) whether the order is under appeal or is the subject of a judicial review application; and

(d) whether the public interest in finality of orders is outweighed by the prejudice to the requester."

We have considered, in the context of our Order and Rule 50.01, the material filed by the Applicant in support of this application for review as well as the submissions of the Superintendent. We also have taken into account the material filed on or before the hearing of the matter on January 24, 2005.

We have concluded that the material filed by the Applicant does not identify any relevant circumstances including a material error of law or fact such that the panel would likely have reached a different decision but for such error.

More specifically, there is nothing in the filed material that would lead us to conclude that any further review of the Order should be undertaken or that any further review would lead us to a different decision than the decision reflected in the Order.

Decision:

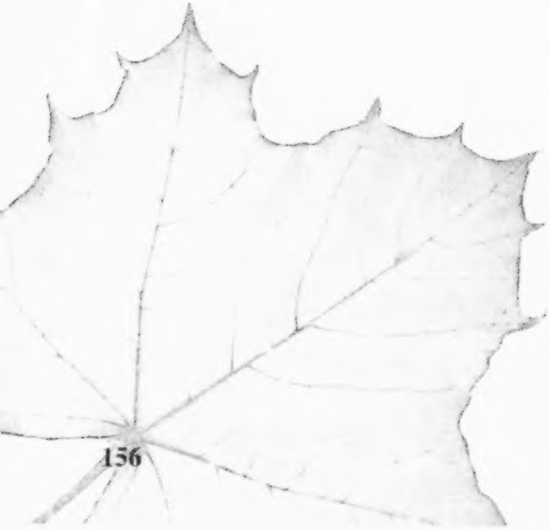
The Applicant's Request for Review is denied and the July 11, 2005 Order of this panel is confirmed.

DATED at the City of Toronto this 30th day of September, 2005.

Anne Corbett,
Vice Chair of the Tribunal and Member of the Panel

Heather Gavin,
Member of the Tribunal and of the Panel

John Solursh,
Vice Chair of the Tribunal and Member of the Panel



INDEX NO.: FST File No. P0246-2004
Decision No. P0246-2004-1

PLAN: Ontario Public Service Employees' Union Pension Plan
Registration Number 1012046 (the "Plan")

DATE OF DECISION: September 30, 2005

PUBLISHED: Bulletin 14/3 and FST website

(Note: Only FST decisions pertaining to pensions are included in this section.)
(Note: In this section, "Commission" refers to the Financial Services Commission of Ontario.)

IN THE MATTER OF the Pension Benefits Act, R.S.O. 1990, c. P.8 as amended by the Financial Services Commission of Ontario Act, 1997, c. 28 (the "Act");

AND IN THE MATTER OF a Hearing in accordance with subsection 89(8) of the Act.

BETWEEN:

JULIAN PAUL
Applicant

- and -

SUPERINTENDENT OF FINANCIAL SERVICES and **the OPSEU PENSION TRUST**
Respondents

BEFORE:

Mr. John M. Solursh
Vice Chair of the Tribunal and Chair of the Panel

Mr. Shiraz Bharmal
Member of the Tribunal and of the Panel

Ms. Florence Holden
Member of the Tribunal and of the Panel

APPEARANCES:

Mr. Julian Paul
Appearing on his own behalf

For the Superintendent of Financial Services
Mr. Mark Bailey

For the OPSEU Pension Trust
Mr. Ari Kaplan
Ms. Donna Walwyn

HEARING DATE:
April 27, 2005

REASONS

A. Introduction

The Applicant, Julian Paul, is a member of the Ontario Public Service Employees' Pension Plan (the "Plan"). The Plan is a defined benefit pension plan covering employees of the Government of Ontario who are represented by the Ontario Public Service Employees Union ("OPSEU"). The Plan is administered by a board of trustees (the "Administrator"). The

Applicant also was a member of two plans which are predecessors to the Plan as set out below.

This hearing results from a request made by Mr. Paul to the Financial Services Commission of Ontario ("FSCO"), that he be allowed to purchase certain past service credits in the Plan for the periods of his service prior to April 2, 1979. In response to that request the Superintendent of Financial Services (the "Superintendent") issued a Notice of Proposal dated November 30, 2004 (the "NOP") in which the Superintendent proposed to refuse to make an order directing the Plan to permit the Applicant to purchase (i.e. "Buy Back") the requested past service credits.

The Administrator of the Plan, the OPSEU Pension Trust, filed an application for party status with the Tribunal and was granted full party status at the Pre-hearing Conference on February 24, 2005.

B. Issues

As agreed by the parties, the issues in this matter are:

(a) should the Applicant be allowed to purchase credit for his identified past service under the provisions of the *Pension Benefits Act*, R.S.O. 1990, c. P.8 (the "PBA") or the terms of the Plan?;

(b) and if the answer to question (a) is yes, what, if any, remedy should be granted by the Tribunal?

C. Facts

(a) The Old Plan

The parties submitted an Agreed Statement of Facts to the Tribunal, a copy of which is attached as an Appendix to these Reasons.

The Applicant worked with the Ministry of Natural Resources (the "Employer") on a casual basis beginning on July 19, 1976 as a summer student and throughout 1977, 1978 and for the first quarter of 1979 (the "Applicant's Prior Service"). During that period, the Applicant's employment was not continuous and he did not make any contributions to the predecessor plan in place at the time, the Public Service Superannuation Plan (the "Old Plan"). In accordance with the terms of the Old Plan as set out in the *Public Service Superannuation Act*, R.S.O. 1970, c. 387, (the "Old Act"), the Applicant did not receive credit for that service under the Old Plan.

The Applicant began contributing to the Old Plan upon his appointment to classified service on April 2, 1979.

The Applicant was entitled under section 8 of the Old Plan to Buy Back his Prior Service upon giving notice of his intention to purchase Prior Service and paying the cost of the Prior Service into the Public Service Superannuation Fund. Details of the Applicant's Prior Service between July 19, 1976 and April 1, 1979, were set out in reports prepared by the Employer to the Ministry of Government Services (the "MGS"). The MGS was at that time the Administrator of the Old Plan.

The Applicant indicated to the MGS in an application form signed by him on March 27, 1979, that he wished to purchase periods of his recorded non-contributory service occurring prior to his appointment to classified service.

The MGS reviewed the Applicant's periods of non-contributory service based on the Service and Earnings Reports and consistent with the practice at that time, did an assessment and determined the periods of eligible service that the Applicant was qualified to purchase pursuant to the Old Act. The MGS mailed a Notification of Arrears and Agreement to Contribute form (the "Notification") to the Applicant on October 10, 1980, setting out the period of eligible service the Applicant was entitled to purchase.

In order to proceed with the purchase as set out in the Notification, the Applicant was required to complete, sign and return the Notification. The Notification advised, in bold print, that if the MGS did not receive "the completed form within 3 months from the date of mailing" the MGS would treat the request as lapsed. The Applicant did not return the form within the 3 month period and he did not make any other attempt to purchase the Prior Service within the specified period.

The Applicant admitted that he considered the purchase and made the decision not to purchase his Prior Service because his pension was not important to him at that time. In his submissions, the Applicant states, in part, as follows:

> ...As stated in the Agreed statement of Facts I signed an application to (Buy Back) my pension when I was first hired on permanent staff in 1979. The reason I did this is not because I was interested in buying back my pension but because the administrator asked me to sign an application...
>
> ...I had no interest in buying back my pension between January 1, 1990 and December 31, 1991.

The Applicant was not restricted from making another application to purchase his Prior Service under the Old Plan. However there is no dispute that the Applicant did not purchase his Prior Service under the Old Plan in accordance with section 8 of the Old Act.

(b) The 1989 Plan

On December 31, 1989, the *Public Service Pension Act*, S.O. 1989, c. 73 (the "1989 Act") came into force and the Old Act was repealed effective January 1, 1990. Pursuant to section 3 and section 5 of the 1989 Act, the Old Plan, as contained in the provisions of the Old Act, was continued as the Public Service Pension Plan (the "1989 Plan") and the Public Service Superannuation Fund under the Old Act was continued as the Public Service Pension Fund. The Applicant continued his membership in the 1989 Plan. The terms of the 1989 Plan are set out in Schedule I in the 1989 Act. The 1989 Plan is administered by the Public Service Pension Board (the "Board"). Under section 5(2) of the 1989 Act, the Board was required to administer the 1989 Plan in accordance with the 1989 Act and the terms of the 1989 Plan as set out in Schedule I of the 1989 Act. The Old Act was repealed by the 1989 Act, and thus provisions of the Old Act, including those relating to the "Buy Backs", ceased to apply.

The 1989 Act included a provision which gave members a right (the "Buy Back Window") to exercise the option to purchase any period of eligible non-credited service occurring prior to 1990. Section 11(6) of Schedule I of the 1989 Act provided that individuals who were members on December 31, 1989, had to submit a written application within a period of 24 months after December 31, 1989 to the Administrator of the Plan for the purchase of any past service credit related to service prior to January 1, 1990.

The Applicant, as a member of the 1989 Plan on December 31, 1989 was eligible to exercise the time-limited option to purchase past service credit related to service prior to January 1, 1990 provided he submitted a written application to purchase the Prior Service within the period December 31, 1989 to December 31, 1991, and paid the amount determined by the Administrator.

The Board, as Administrator of the 1989 Plan, used various and extensive means (the "Buy Back Window Communications") of informing 1989 Plan members as of December 31, 1989, of the deadline of December 31, 1991 set out in section 11(6) of Schedule I in the 1989 Act. It published items in the Government of Ontario newsletter, *Topical*, provided a pamphlet for payroll distribution, issued a new member's booklet titled "Your Pension Plan", hosted information sessions and issued "Fact sheets" and an "Administration Guidelines Manual" to advise Plan members of the December 31, 1991 deadline.

The Applicant acknowledges that he did not complete and submit a written application to purchase past service credits for his Prior Service within 24 months after December 31, 1989, the deadline imposed by section 11(6) of Schedule I in the 1989 Act. The Applicant does not deny having received the Buy Back Window Communications. However, he objected that neither his Employer nor the Plan Administrator sent him a personalized application form as he received 10 years earlier when he had the opportunity to Buy Back the same Prior Service and he made a deliberate decision not to do so.

(c) The OPSEU Plan (the "Plan")

Pursuant to the Sponsorship Agreement between the Government of Ontario and the Ontario Public Service Employees' Union ("OPSEU") and the enactment of the *Public Service Employees' Union Pension Act, 1994*, S.O. 1994, c. 17 (the "OPSEU Pension Plan Act"), the Plan was established and adopted, effective January 1, 1993, primarily for members of the Plan who were employees in a bargaining unit represented by OPSEU, including the Applicant. The Applicant became a member of the Plan on January 1, 1993. Article III of section 3.01 of the Sponsorship Agreement that established the Plan and is referred to in the OPSEU Pension Plan Act provides that the Plan and the OPSEU Trust Fund were established as a successor plan and trust fund to the Public Service Pension Plan and the Public Service Pension Plan Trust Fund.

The Board of Trustees of the OPSEU Trust Fund (the "OPSEU Pension Trust") is the Administrator of the Plan. The OPSEU Pension Trust is a party to this proceeding.

The Applicant is entitled to a pension from the Plan in respect of all of his years of eligible contributory service in the Ontario Public Service. He has received Annual Pension Statements each year that show only credit that was earned since April 2, 1979.

The terms of the Plan permit the Applicant to purchase his Prior Service, but only if he submitted an application to the Administrator within the Buy Back Window. The Plan does not permit the purchase of the Applicant's Prior Service in the Applicant's present circumstances. In this respect the provisions of the Plan read, in part, as follows:

> 7.4(1)(b) for a period of service with an employer who contributed to the Fund or a predecessor fund throughout the period, and for which the member has no credit in the Plan and no claim for pension benefits from the Plan;
>
> 7.4(6) Any credit referred to in subsection (1) may be purchased only if application therefore is made to the Board in writing within twenty-four months after the latest of,
>
> (a) the earlier of the day on which the member for whom credit is to be purchased became a member of the Plan or the PSPP; and
>
> (b) the last day of the most recent continuous period for which credit is being purchased.

The Applicant has stated that by 1995 his situation had changed and he was interested in a Buy Back of his pension, as he submitted he was also entitled to under the Old Act when he was hired. He further submitted that he began to make enquiries by phone about a Buy Back, possibly beginning in 1996 or 1997, and that the response was always negative and indicated that the opportunity for buying back was closed.

His written submissions further stated that in September 2001 he saw an Options Update that pushed him to phone the OPSEU Pension Trust again and that a representative of the OPSEU Pension Trust told him he did sign an application which was in his file from 1979 and that he could Buy Back his pension. He further submitted that he did not sign a new application between January 1, 1990 and December 31, 1991 in view of the input from the OPSEU Pension Trust representative that he had an application in his file from 1979, which led him to believe that no new application was needed.

The OPSEU Pension Trust has taken the position that it has no authority under the terms of the Plan or the provisions of the PBA to deviate from the Plan terms in respect of the Applicant or of any other of the employees in the Ontario Public Service who received the Buy Back Window Communications and were eligible to exercise Buy Back rights and who did not exercise those rights under the terms of the Plan.

OPSEU Pension Trust's Adjudication Panel (the "Adjudication Panel") considered the Applicant's position at an oral hearing on February 5, 2003. The Adjudication Panel's decision to deny the Applicant's appeal was rendered on the same day and the Applicant was provided with written reasons for the denial.

The Adjudication Panel concluded that, under the terms of the 1989 Act, the Applicant was not entitled to purchase credit for the Applicable Period, since "...the opportunity ended on December 31, 1989, with the repeal of that legislation".

The Adjudication Panel further concluded that:

> As a Plan Member on December 31, 1989, the Applicant had a time-limited application window of 24 months, under the *Public Service Pension Act, 1989,* during which he could have submitted a second application to the administrator. The Applicant concedes that he did not submit a second application to the administrator. The Applicant concedes that he did not submit a second application, within the requisite deadline.
>
> While it is true that he was not given an application personally to complete, the Management Board Secretariat and later the Ontario Pension Board were aware of this deliberate and significant change to the pension Plan. They published items in the Government of Ontario's newsletter, *topical,* provided a stuffer for payroll distribution and issued a new member's booklet titled, "Your Pension Plan". The administrator made information available to each participating OPS employer, through information sessions and the issuance of "Fact Sheets" and an "Administration Guidelines" manual. Each of these items contained an explanation of the changes that became effective with the creation of the Public Service Pension Plan in 1990.

Based on these conclusions, the Adjudication Panel determined that the Applicant's claim must be denied such that the Applicant was not permitted to purchase credit for his Prior Service.

(d) The Superintendent's Notice of Proposal

On November 20, 2004, the Superintendent of Financial Services (the "Superintendent") issued a Notice of Proposal (the "NOP") to refuse to make an order under section 87(1) of the PBA directing the OPSEU Plan to allow the Applicant to purchase past service credits for his Prior Service in the OPSEU Plan. The NOP states, in part, as follows:

> 14. The Superintendent of Financial Services (the "Superintendent") can make an order under section 87(1) of the PBA if he is of the opinion, on reasonable and probable ground, that the condition set out in section 87(2)(a) of the PBA exists: i.e. the pension plan or pension fund is not being administered in accordance with the PBA, the *Regulation 909, R.R.O. 1990,* as amended (the "Regulation") or the pension plan.
>
> 15. For the reasons set out above, the Superintendent is not of the opinion that the Plan is not being administered in accordance with its terms.

The basis for the NOP is that the Applicant failed to satisfy the conditions necessary for him to purchase past service credits under the terms of the 1989 Act, i.e. the Applicant failed to make a written application within the prescribed time limits and within the meaning of section 11(6) of the 1989 Act.

The Applicant requested a hearing before the Tribunal in connection with the NOP.

D. Analysis

(a) First Issue: Can the Applicant Buy Back his Prior Service Under the Plan or Applicable Legislation Including the PBA

The Applicant's argument is that he is allowed to complete the Buy Back of his Prior Service on the basis either that:

(i) he had a new Plan membership date in 1989 and then again in 1993 which would bring him new rights to Buy Back his Prior Service; or

(ii) there is no new Plan membership date and the Plan is just a continuation of the predecessor plans as specified in section 81 of the PBA, and accordingly, his original application in 1979 would suffice to meet the criteria for an application for Buy Back.

We have concluded that the Applicant is not allowed to Buy Back his identified Prior Service under the Plan or applicable legislation.

The Applicant submitted he has a right to Buy Back his Prior Service under the Old Plan as preserved by section 81 of the PBA. That provision states that where a pension plan is established by an employer to be a successor to an existing plan the new pension plan is deemed to be a continuation of the original pension plan and benefits under the original pension plan in respect of employment before the establishment of the new pension plan shall be deemed to be benefits under the new pension plan.

There is no dispute that the Plan was a successor plan to the 1989 Plan which in turn was a successor to the Old Plan. This result flows from the clear wording of the 1989 Act and the OPSEU Pension Plan Act. Section 81 of the PBA is consistent with the provisions of that more specific legislation.

We do not agree, however, that section 81 of the PBA or the mere fact the 1989 Act provided that the 1989 Plan was a successor to the Old Plan was intended or effective to preserve indefinitely and unamended the terms of and the Old Plan in the 1989 Plan, or in any successor plan thereto such as the Plan. The 1989 Plan was a statutory pension plan which included a specific Buy Back provision available to but not exercised by the Applicant. The intention and effect of the 1989 Act and the 1989 Plan clearly was to provide a time limited Buy Back provision in place of any unexercised Buy Back option that was not exercised under the Old Act. Section 17 of the 1989 Act repealed the Old Act which set out the Old Plan. The 1989 Act established the 1989 Plan as set out in Schedule I to that legislation.

We do not agree that the existence of an unexercised Buy Back option under the Old Plan is a "benefit" continued under section 81 of the PBA in the 1989 Plan. However, even if it were a benefit so continued under the 1989 Plan the combined effect of the 1989 Act and the 1989 Plan was to replace the Buy Back provision in the Old Plan with the time limited Buy Back in the 1989 Plan.

There is no dispute that the terms of the 1989 Plan at the relevant time required the Applicant to apply in writing to purchase the Prior Service during the period December 31, 1989 to December 31, 1991. There also is no dispute that the Applicant did not do so in accordance with section 8 of the Old Act.

The 1989 Plan included a Buy Back Window. That Buy Back Window gave members a deadline to exercise the option to purchase prior non-credited service for periods prior to 1990. The Applicant's Prior Service fell into this category. Specifically, section 11(6) of Schedule I of the 1989 Plan provided that individuals who were members of the Old Plan on December 31, 1989 were eligible to purchase past service credit related to service prior to January 1, 1990 if they submitted a written application to the Board, as Administrator of the 1989 Plan, no later than December 31, 1991.

The Applicant was a member of the Old Plan on December 31, 1989 and in that capacity was eligible to exercise the time-limited option to purchase past service credit related to his Prior Service. The Board through the Buy Back Window Communications applied various and extensive methods to inform members including the Applicant, of the Buy Back Window.

The Applicant does not deny having received the Buy Back Window Communications. He has acknowledged that he did not complete and submit a written application to purchase past service credits for his Prior Service within 24 months after December 31, 1989, the deadline imposed by section 11(6) of Schedule I of the 1989 Plan.

Section 11(1)(b) of Schedule I in the 1989 Act provides for the purchase of credit in the Plan for any period of service "with an employer who contributed to the Fund [for the Plan] or a predecessor fund throughout the period, and for which the member has no credit in the Plan and no claim for pension benefits from the Plan." Section 11(1)(b) covers the past service periods at issue in this hearing.

Section 11(6) outlines the timing requirements for making a written application to purchase past service under section 11. Section 11(6) states:

> (6) Any credit referred to in subsection (1) may be purchased only if application thereof is made to the Board in writing within twenty-four months after the latest of
>
> (a) the day on which the member for whom credit is to be purchased became a member of the Plan;
>
> (b) the last day of the most recent continuous period for which credit is being purchased; or
>
> (c) the 31st day of December, 1989.

Section 11(6) is unambiguous and mandatory. It states that past service can be purchased "only if" an application in writing is made by the Applicant between December 31, 1989 and December 31, 1991. Section 11(6) does not grant discretion to the Administrator to waive or modify this requirement.

Moreover, section 11(6) does not relieve a member from the obligation to file an application if an application was filed under the Old Act. By virtue of section 17 of the

1989 Act, the Old Act (and any provisions it may have contained concerning applications to Buy Back past service) was repealed. Section 11(1)(b) therefore would not bring any past service periods into the scope of the requirements in section 11(6) unless a member had completed such a Buy Back and already had credit in the Plan for the service at the time of the adoption of the 1989 Act.

The Applicant does not dispute that proposition. He states in his Submissions that, as a result of the changes in the 1989 Act,

> ...I must go through the same exercise in 1990 or 1991 as I went through in 1979 in order to preserve my rights under the plan. I must sign a new application between January 1, 1990 and December 31, 1991 and submit this to the administrator.

Accordingly, the fact that the Applicant completed an application to Buy Back service in 1979 does not affect the outcome in this case. The important fact is that the Applicant never completed that Buy Back process and therefore the application requirement in section 11(6), which he did not utilize, is applicable.

(b) What Remedy Could be Granted to the Applicant by the Superintendent or this Tribunal Under the PBA

The Applicant argued that the Superintendent under section 87 of the PBA can require the Administrator of the Plan to allow him to Buy Back his identified Prior Service and accordingly that the Tribunal has power under section 89(9) of the PBA and section 20 of the *Financial Services Commission Act*, S.O. 1997, c. 28 (the "FSCO Act") to make such an order.

Section 87 of the PBA permits the Superintendent to make a written order requiring an Administrator or other person to take an action in respect of a pension plan or a pension fund if the Superintendent is of the opinion, upon reasonable and probable grounds, that the pension plan or pension fund is not being administered in accordance with the PBA, the Regulations thereunder or the pension plan. In this case the provisions of the 1989 Act and the Plan have been administered in accordance with their terms and they are not contrary to the PBA or otherwise invalid. The powers of the Superintendent under section 87 of the PBA, the powers of the Tribunal under section 89 of the PBA and section 20 of the FSCO Act and the requirements of section 19(1) of the PBA (which relate to the requirement to administer a plan in accordance with the PBA and the Regulations thereunder) and section 22 of the PBA (which sets out the standard of care owed by plan administrators in connection with the administration of a pension plan or fund) do not come into play.

Accordingly, even if the Tribunal had answered "yes" to the first issue, there is no remedy available to the Applicant with respect to the Plan under the PBA. If the Applicant were permitted to Buy Back the requested service under the Plan, the Administrator of that Plan would be in breach of the Plan provisions and accordingly of its statutory requirement to administer the Plan in accordance with its terms and the PBA.

The Applicant's case has been framed in part on what he claims are defects in the Buy

Back Window Communications materials provided in respect of the application requirement in section 11(6) of Schedule I in the 1989 Act. We do not agree with that submission. The extensive Buy Back Window Communications, as noted above, unambiguously indicated the requirement that a member who wished to Buy Back service occurring prior to 1990 must take steps to do so during the December 31, 1989 to December 31, 1991 period. The Buy Back Window Communications materials provided by the Board do not, as the Applicant asserted, constitute a contravention of section 19 or 22 of the PBA.

The Applicant has further submitted that even if the Buy Back Window Communications materials were clear he was misled by information provided to him by the OPSEU Pension Trust as the Administrator of the Plan. We are not required in view of our conclusions on the first issue to decide what if any remedy can or should be applied by the Tribunal. However, even if there was merit to the Applicant's unproven allegation that he was provided with misleading advice which he submits he chose to rely on notwithstanding the clear written Buy Back Window Communications materials, and the terms of the Plan, including the predecessor plans, we believe that the Tribunal does not have authority under the PBA or the FSCO Act to direct the Administrator of the Plan to permit the Applicant to Buy Back the requested service contrary to the terms of the Plan. We agree with the submission of the Superintendent's counsel that, if the Applicant can establish that the materials were erroneous or he was misled by incorrect advice from a member of the staff of the OPSEU Pension Trust, he is free to try to establish in a court the factual and legal basis of a valid claim (including reliance to his detriment on the materials or information provided) pursuant to a civil action in the courts seeking compensation for any losses he may have incurred.

E. Conclusion

For the reasons noted above, the Applicant is not permitted to purchase the requested periods of past service and the issue of the appropriate remedy does not arise in this case. The Tribunal confirms the Notice of Proposal of the Superintendent.

F. Costs

If any party wishes to make application for an order of costs in this matter, it may do so by written request filed with the Tribunal and served on the other parties within 30 days of this decision. The other parties shall have 14 days to file and serve written responses to any such request.

DATED at Toronto this 30th day of September, 2005.

John M. Solursh,
Vice Chair of the Tribunal and Chair of the Panel

Shiraz Bharmal,
Member of the Tribunal and of the Panel

Florence Holden,
Member of the Tribunal and of the Panel

APPENDIX

FST File No. P0246-2004

IN THE MATTER OF the *Pension Benefits Act*, R.S.O. 1990, c. P.8 as amended by the *Financial Services Commission of Ontario Act*, 1997, S.O. 1997, c. 28 (the *"Act"*);

AND IN THE MATTER OF a proposal of the Superintendent of Financial Services to Refuse to Make an Order under section 87(1) of the *Pension Benefits Act* respecting the Ontario Public Service Employees' Union Pension Plan, Registration No. 1012046 (the "Plan");

AND IN THE MATTER OF a Hearing in accordance with subsection 89(8) of the *Act;*

BETWEEN:

JULIAN PAUL
Applicant

- and -

SUPERINTENDENT OF FINANCIAL SERVICES
Respondent

AGREED STATEMENT OF FACTS

1. The Applicant worked with the Ministry of Natural Resources (the "Employer") on a casual basis beginning on July 19, 1976 as a summer student and throughout 1977, 1978 and for the first quarter of 1979. During these periods the Applicant's employment was not continuous and he did not make any contributions to the prior plan in existence at that time, Public Service Superannuation Plan (the "PSPP") as set out in the *Public Service Superannuation Act R.S.O. 1970, c. 387* as amended (the "Old Act").
2. The Applicant was appointed to classified service on April 2, 1979 and began contributing to the PSPP on that date.
3. The Employer prepares a *Service and Earnings Report* which details the Applicant's non-contributory service between July, 1976 and April 1, 1979. This report was forwarded to the Administrator at that time (the Ministry of Government Services (the "MGS"))
4. The Applicant indicated to the Administrator of the Plan at that time, the MGS, that he wished to purchase the periods of non-contributory service between June 1977 to November 3, 1978 and November 14 to March 2, 1979 with the Ministry of Natural Resources by submitting a Statement and Application Elective Service Arrears form on August 5, 1980 ("Application Form"). The Application Form was signed by the Applicant on March 27, 1979.
5. MGS reviewed the Applicant's periods of non-contributory service based on the Service and Earnings Report provided by the Applicant's employer and consistent with the practice at that time, did an assessment and determined the periods of eligible service that the Applicant was qualified to purchase pursuant to the Old Act, which provided for the purchase of non-credited service. After completing the assessment, MGS mailed a Notification of Arrears and Agreement to Contribute form MGS 565 (the "MGS 565 Form") to the Applicant on October 10, 1980, setting out the period of eligible service the Applicant was entitled to purchase.

6. The MGS 565 form indicated that the Applicant was entitled to purchase 10 months and 4 days of prior non-contributory service between May 29, 1978 and April 1, 1979, for the lump sum cost of $654.52. In order to proceed with the purchase as set out on the MGS 565 form, the Applicant was required to complete, sign and return the form to the MGS. The MGS 565 Form advised, in bolded print,

   > **"We have not received the completed form within 3 months from the date of mailing, we shall treat your request as lapsed."**

   The Applicant did not return the MGS 565 Form or make any attempt to purchase this past service within the 3 month time period.

7. On December 31, 1989, the *Public Service Pension Act, 1989 c. 73* (the "New Act") came into force and the Old Act was repealed effective January 1, 1990. The option to purchase prior non-credited service under the Old Act ceased with this repeal, however, the New Act included a provision which gave Plan members a deadline to exercise the option to purchase prior non-credited service for periods prior to 1990. Pursuant to section 11(6) of Schedule I of the New Act, individuals who were Plan members on December 31, 1989, had to submit a written application within 24 months after December 31, 1989 to the Administrator of the Plan for the purchase of any past service credit related to service prior to January 1, 1990.
8. The Applicant was a member on December 31, 1989 and was, therefore, eligible to exercise the time-limited option to purchase past service credit related to service prior to January 1, 1990.
9. The Administrator used various means of informing Plan members as of December 31, 1989, of the deadline of December 31, 1991. The Administrator published items in the Government of Ontario newsletter, *Topical,* provided a pamphlet for payroll distribution, issued a new member's booklet titled "Your Pension Plan," hosted information sessions and issued "Fact sheets" and "Administration Guidelines Manual" to advise Plan members of the December 31, 1991 deadline.
10. The Applicant did not complete and submit a written application to purchase past service credits for his past service within 24 months after December 31, 1989, the deadline imposed by section 11(6) of Schedule I of the New Act.

PLACE
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The Editor, *Pension Bulletin*
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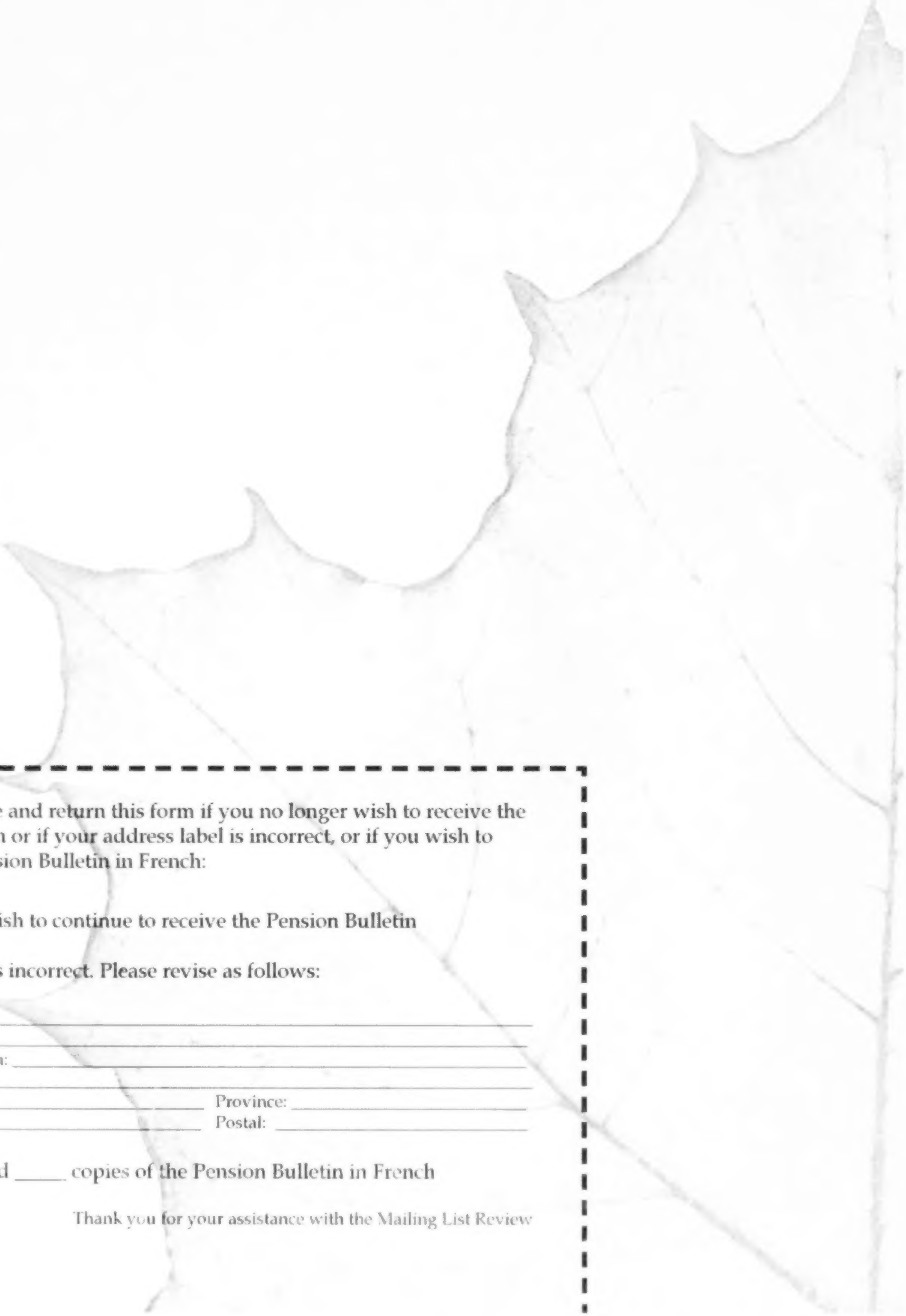

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